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2 UNITED STATES DISTRICT COURT OF NEW YORK  
SOUTHERN DISTRICT OF NEW YORK

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4 GEORGE PACKARD, EDWARD BECK,  
MICHELLE BERGER, ARI COWAN,  
5 CHARLES MEACHAM, and LARRY  
SWETMAN, individually and on  
6 behalf of all others similarly  
situated,

7 Plaintiffs,

8 - against -

15-CV-7130 (AT) (SDA)

9 THE CITY OF NEW YORK, a municipal  
entity,

10 Defendant.

11  
12 - - - - - X

217 Centre Street  
13 New York, New York  
14 September 20, 2018  
10:31 A.M.

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16  
17 DEPOSITION of THE CITY OF NEW YORK, the  
18 Defendant herein, by JOSE VEGA, taken by the  
19 Plaintiffs herein, pursuant to Federal Rules and  
20 Regulations and Rule 30(b)(6), held at the  
21 above-mentioned time and place, before Anita M.  
22 Cummo, a Notary Public of the State of New York.  
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A P P E A R A N C E S :

Attorneys for Plaintiffs

WYLIE STECKLOW  
217 Centre Street, 6th floor  
New York, New York 10013  
BY: WYLIE STECKLOW, ESQ.  
wylie@wylielaw.com  
JON AVIMS, ESQ.

Attorneys for Defendant

OFFICE OF THE CORPORATION COUNSEL  
Law Department of the City of New York  
100 Church Street  
New York, New York 10007  
BY: AMY ROBINSON, ESQ.

A L S O P R E S E N T :

JONI FORSTER-GALVIN  
Agency Privacy Officer

JOSEPH SHARKEY

STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED by and among counsel for the respective parties hereto, that the filing, sealing and certification of the within deposition shall be and the same hereby waived.

IT IS FURTHER STIPULATED AND AGREED that all objections, except as to form of the question, shall be reserved to the time of trial;

IT IS FURTHER STIPULATED AND AGREED that the within deposition may be signed before any Notary Public with the same force and effect as if signed and sworn to before the court.

IT IS FURTHER STIPULATED AND AGREED that counsel representing the witness examined herein shall be furnished with a copy of the within deposition without charge.

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JOSE VEGA

J-O-S-E V-E-G-A, a Rule 30(b)(6)  
witness herein, having first been duly sworn by  
a Notary Public of the State of New York, was  
examined and testified as follows:

EXAMINATION BY

MR. STECKLOW:

Q. Please state your full name for the  
record.

A. Jose Vega.

Q. What is your present address?

A. 1278 Sedgwick Avenue, Bronx, New  
York 10452.

MR. STECKLOW: The time is 10:31.  
We are my office at 217 Centre  
Street. My name is Wylie Stecklow.  
We are here for the deposition of  
the City of New York by Sgt. Jose  
Vega.

THE WITNESS: Yes, sir.

MR. STECKLOW: You have been  
sworn in already so I'm going to  
start right in with the questions.

Q Have you been deposed before, Sgt.  
Vega?

A Yes.

1 JOSE VEGA

2 Q How many times have you been deposed  
3 before?

4 A Once in the past.

5 Q When was that?

6 A I would hazard a guess about 12 or  
7 13 years ago.

8 Q Was that personally or was that as a  
9 30(b)(6) witness, as you are today?

10 A It was a personal thing through the  
11 job.

12 Q It was in your individual capacity?

13 A Yes, sir.

14 MR. STECKLOW: Since you've only  
15 been deposed once, I'm going to go  
16 through all the rules and  
17 guidelines.

18 THE WITNESS: Okay.

19 Q You need to, as you have been, wait  
20 for me to finish all my questions and you need  
21 to answer verbally as you have been; is that  
22 acceptable?

23 A Yes.

24 Q If you don't understand the  
25 question, will you tell me?

1 JOSE VEGA

2 A Yes, sir.

3 Q If you don't hear a question, will  
4 you tell me?

5 A Yes, sir.

6 Q If my question is unclear in any  
7 way, will you let me know?

8 A Yes, sir.

9 Q If you don't know the answer to my  
10 question, will you let me know?

11 A Yes, sir.

12 Q If there's something that might help  
13 you to remember the answer to my question, will  
14 you let me know what that is?

15 A Yes.

16 Q Is there any reason why you cannot  
17 testify truthfully and accurately here, today?

18 A No, sir, none whatsoever.

19 MR. STECKLOW: I have some  
20 questions about that. Nothing  
21 personal. It's just standard  
22 question.

23 THE WITNESS: Okay.

24 Q Have you consumed any alcohol in the  
25 last 24 hours?

1 JOSE VEGA

2 A No.

3 Q Have you taken any drugs in the last  
4 24 hours?

5 A No.

6 Q Are you aware of any physical  
7 condition that would affect your ability to  
8 testify truthfully and accurately here, today?

9 A No.

10 Q Are you aware of any mental  
11 condition that would affect your ability to  
12 testify truthfully and accurately here, today?

13 A No.

14 Q Are you taking any medications that  
15 would affect your ability to testify truthfully  
16 and accurately here, today?

17 A No, sir.

18 Q Did you fail to take some medication  
19 that you should be taking that may affect your  
20 ability to testify truthfully and accurately  
21 here, today?

22 A No, sir.

23 Q Are you aware that you are under  
24 oath the same today, the same as if you were in  
25 a court of the law?

1 JOSE VEGA

2 Obviously, this room is a little  
3 nicer here but you are under the same oath to  
4 tell the truth?

5 A Yes, sir.

6 Q Do you understand that you may read  
7 a transcript when this is over and make any  
8 chances that you may believe are necessary to  
9 get the correct words that you are giving today  
10 into the transcript?

11 Do you understand that?

12 A Yes, sir.

13 Q Do you understand that if you do  
14 that, I would be able to question you on any  
15 changes you make to the transcript?

16 A Yes, sir.

17 Q If I ask you any question and you  
18 know the answer because your recollection was  
19 refreshed by a document or recording or any type  
20 of item, would you tell me the answer and also  
21 tell me what it was that refreshed your  
22 recollection?

23 A Yes, sir.

24 Q As the deposition is going along, if  
25 you start to remember that you need to change an



1 JOSE VEGA

2 answer you've made already, would you let me  
3 know that and we'll go back to that prior answer  
4 so you can change it, will you agree to that?

5 A Yes, sir.

6 Q Today, because you're here on behalf  
7 of the City of New York, when I refer to you in  
8 this deposition, I am referring to you in your  
9 capacity as a representative of the City of New  
10 York, is that acceptable?

11 A Yes, sir.

12 Q Unless I expressly say otherwise,  
13 that's how we're go to go about it.

14 If I refer to you, I'm referring to  
15 the City of New York; correct?

16 A Yes.

17 Q For example, if I ask you whether  
18 you know or believe something, I'm asking you to  
19 testify concerning what the City of New York  
20 knows or believes; right?

21 A Yes, sir.

22 Q Also, please note that in this  
23 deposition when I use the term "document," I  
24 mean any kind of recorded information including  
25 a paper record, an electronic document,

1 JOSE VEGA

2 electronic information in a data base, an image,  
3 a video?

4 Unless I trust you to say otherwise,  
5 I'm trying to be broad with the term "document;"  
6 is that acceptable?

7 A Yes, sir.

8 Q At any point, if you're confused by  
9 my use of the word document, you'll let me know  
10 that?

11 A Yes, sir.

12 Q When I refer to the NYPD, I'm also  
13 referring to the City of New York as a whole,  
14 unless I expressly say otherwise.

15 In other words, if I ask you whether  
16 the NYPD has a particular kind of policy, I  
17 expect you to let me know about any such policy  
18 maintained by the NYPD or the City of New York;  
19 is that okay?

20 A Yes, sir.

21 Q When I refer to the City of New  
22 York, I'll expect your answer to then include  
23 information concerning the NYPD and the City of  
24 New York total; correct?

25 A Yes, sir.

1 JOSE VEGA

2 Q If at any time you're confused by  
3 that, the distinction between the NYPD, the City  
4 of New York or joining them together, you'll let  
5 me know?

6 A Yes, sir.

7 Q As we just discussed, you are here  
8 to testify on behalf of the City of New York;  
9 correct?

10 A Yes, sir.

11 Q Your answers here will be sworn  
12 answers made on behalf of the City of New York;  
13 correct?

14 A Yes.

15 Q And your answers in this deposition  
16 will be binding on the City of New York in the  
17 same way as any witness testifying on their own  
18 behalf would be bound by their answers; correct?

19 A Yes.

20 Q Is there any way you believe that  
21 not to be true?

22 A No.

23 Q Do you agree that as a 30(b)(6)  
24 witness representing the City in this deposition  
25 you are under a duty to inform yourself as in

1 JOSE VEGA

2 subject matter of the deposition; correct?

3 A Yes, sir.

4 Q Have you done so in this matter?

5 A I don't understand that part.

6 MR. STECKLOW: I'm going to take  
7 a two-minute break and grab a copy  
8 of the notice.

9 (Whereupon, at this time a brief  
10 recess was taken.)

11 MR. STECKLOW: Mark this as Vega  
12 1.

13 (Whereupon, at this time, the  
14 above-mentioned 30(b)(6) notice was  
15 were marked by the reporter as  
16 Vega's Exhibit 1, for  
17 identification, as of this date.)

18 Q Have you had a chance to review what  
19 was marked as Vega Exhibit 1?

20 A Yes, sir.

21 Q Is that the deposition notice that  
22 you are prepared to testify to, today?

23 A Yes, sir.

24 Q Is there any topic on either the  
25 front of this document or the back of this

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JOSE VEGA

document that you are not prepared to testify to?

A No, sir.

Q You're prepared and ready to testify to each topic in this Exhibit 1?

A To the best of my ability, yes.

Q When did you start preparing for this deposition?

A I was called by the Corporation Counsel a couple of months ago and informed that I was going to be deposed for this. So I'm guessing, once I was told I started to make sure I understood what was going to be asked of me.

Q When was the first time that you met with Corporation Counsel?

A I don't recall the date.

Q You already said it was a few months ago when you first heard from them, so if you can ball park it for me if it was months, weeks, days?

A If I had to take a guess, about two or three months ago.

Q Was it the summertime or the springtime, as best you can remember?

1 JOSE VEGA

2 A As best I can remember, probably  
3 late spring.

4 Q How many times did you meet with the  
5 Corporation Counsel?

6 A Since then to now, twice.

7 Q Does that include that first time?

8 A Yes, sir.

9 Q When was the second time?

10 A The second time was this past  
11 Monday.

12 Q Both of those times, did you speak  
13 with Ms. Robinson who is sitting next to you?

14 A Yes, sir.

15 Q Other than Ms. Robinson, was there  
16 any other attorneys with the City law department  
17 that you spoke with?

18 A There was another lady present at  
19 the first meeting. I believe her name was  
20 Allison Mitchell, I believe.

21 MR. STECKLOW: That's correct.

22 Q Do you see sitting next to Ms.  
23 Robinson is another attorney from the Legal  
24 Bureau?

25 A Yes, I see her.

1 JOSE VEGA

2 Q Did you meet with her, all, in  
3 preparation for today's deposition?

4 A No, sir.

5 Q Other than Ms. Mitchell and Ms.  
6 Robinson, did you meet with anybody else, in  
7 preparation for today's deposition?

8 A I have not met with anybody else.

9 Q Other than Ms. Mitchell and Ms.  
10 Robinson, was there anybody else in the room,  
11 when you were meeting with either of them?

12 A No, there was no one else in the  
13 room.

14 Q The first time you met with them,  
15 was that in person or on the phone?

16 A I met with them in person.

17 Q How long was that meeting?

18 A Give or take, about an hour.

19 Q You met with them a few days ago?

20 A Yes, sir.

21 Q How long was that meeting?

22 A About 90 minutes to two hours, in  
23 total.

24 Q Did you look at any documents, when  
25 you met with them the first time?

1 JOSE VEGA

2 A Yes, sir.

3 Q How many documents did you look at?

4 A It was just training documents. I  
5 can't hazard to guess how many. It was maybe  
6 about an inch thick.

7 Q Did you look at any videos, the  
8 first time them met with them?

9 A No, sir.

10 Q Did you receive any documents from  
11 them, in between the first meeting and the  
12 second meeting?

13 A I received an e-mail from them, yes,  
14 sir.

15 Q Was there anything attached to the  
16 e-mail?

17 A There was some documents pertaining  
18 to the training and some Legal Bureau briefs  
19 that the NYPD releases.

20 Q Was it the same documents you  
21 reviewed the first time that you were together?

22 A Yes, sir.

23 Q Was there any additional documents  
24 that were attached to them?

25 A No.



1 JOSE VEGA

2 Q The Legal Bureau bulletins, do you  
3 remember how many there were?

4 A I believe there was two of them and  
5 they were both pertaining to the statutes of  
6 disorderly conduct.

7 Q It was one the 1970, more or less,  
8 from the Legal Bureau?

9 A That one I do remember. I remember  
10 the 1970 one.

11 MR. STECKLOW: I'm going to go  
12 over the instruction again, just so  
13 we can do this. You have to wait  
14 for me to finish my question --

15 THE WITNESS: Okay. Sorry about  
16 this.

17 MR. STECKLOW: -- or else it  
18 makes a bad record.

19 THE WITNESS: Sorry about that.

20 Q My understanding is that there are  
21 two Legal Bureau bulletins relating to  
22 disorderly conduct. One was issued in the '70s  
23 and one was issued in 2017.

24 Are those the two Legal Bureau  
25 bulletins you're talking about?

1 JOSE VEGA

2 A Yes, sir.

3 Q Was there any other Legal Bureau  
4 bulletin you reviewed, in preparation for  
5 today's deposition?

6 A Not that I can recall.

7 Q When you met with them a few days  
8 ago, did you review any other documents?

9 A We went over some training lesson  
10 plans and there was also a couple of other  
11 documents for call-outs of details and for a  
12 notification on training.

13 MR. STECKLOW: Let's start with  
14 the training documents.

15 Q Which training documents did you  
16 review then?

17 Did you see lesson plans?

18 A Yes, sir.

19 Q Which lesson plans were they?

20 A Lesson plans on demonstrator  
21 tactics, mass arrest tactics, setting up and  
22 maintaining of command post. There was also one  
23 lesson plan on legal perspective. I don't know  
24 if that's the exact word, but it was about legal  
25 parts and then there was one from the Police

1 JOSE VEGA

2 Academy that they give out when it comes to  
3 public order.

4 Q You said there's a notification that  
5 you reviewed; what was that?

6 A One notification that was there to  
7 review was for future training on what we call  
8 unusual disorder plans.

9 Q Who issued that document?

10 A That notification came from my  
11 office.

12 Q When did that notification come from  
13 your office?

14 A That I don't recall because that's  
15 an annual training that we do. So, I don't know  
16 which year that document was from.

17 Q It's a training in unusual training  
18 [sic] plans?

19 A Yes.

20 Q That's the name of the document?

21 A It's training for unusual disorder  
22 plans.

23 Q Did you review any videos, when you  
24 were meeting with your attorneys a couple of  
25 days ago?

1 JOSE VEGA

2 A Yes.

3 Q Which videos did you review?

4 A One video was entitled "Occupied  
5 Bronx."

6 Q Anything other videos?

7 A There was another video. It's a  
8 training video on what happens when you go to a  
9 deposition.

10 Q Other than those two videos, did you  
11 review any other videos?

12 A Those are the only two videos that I  
13 reviewed.

14 Q Those are the only two videos you  
15 reviewed, at all, I mean?

16 At the first meeting, any e-mails or  
17 the second meeting, those are the only videos  
18 that you reviewed in anticipation of today's  
19 deposition?

20 A Yes, sir.

21 Q Did you communicate with anyone who  
22 is not a attorney, in preparation for today's  
23 deposition?

24 A Yes.

25 Q Who was that?

1 JOSE VEGA

2 A I communicated with my former  
3 commanding officer, Anthony Raganella.

4 Q When did you speak to Anthony  
5 Raganella?

6 A I spoke to him a couple of days ago.

7 Q How long was that conversation?

8 A Five or ten minutes, give or take.

9 Q Did you call him or did he call you?

10 A He called me.

11 Q When was the last thing that you  
12 spoke to him, before this call?

13 A About a week ago.

14 Q Was that conversation also about  
15 this deposition or something different?

16 A Something different.

17 Q Prior to a week ago, when was the  
18 last time you spoke to him?

19 A I usually -- we usually speak about  
20 a weekly basis.

21 Q When he called you and you spoke to  
22 with him about five to ten minutes about this  
23 deposition, what was that conversation?

24 A Basically, he just told me that, you  
25 know, the person who was deposing him the last

1 JOSE VEGA

2 time he got deposed, that person was very fair,  
3 and, you know, to go in there and just, you  
4 know, just do my job and everything will be  
5 fine.

6 MR. STECKLOW: Off the record.

7 (Discussion held off the  
8 record.)

9 Q Did you discuss any of the details  
10 of his testimony in his deposition?

11 A No.

12 Q Did you discuss any of the details  
13 of your testimony in this deposition?

14 A No.

15 Q Other than him saying that the  
16 person who took his deposition was fair, did he  
17 give you any other instructions or comments  
18 about this deposition?

19 A No.

20 Q Did he tell you to look at any video  
21 or document, in anticipation of this deposition?

22 A No.

23 Q Other than speaking with your  
24 attorneys, meeting with them twice and receiving  
25 one e-mail, did you undertake any other efforts

1 JOSE VEGA

2 to prepare yourself for today's deposition?

3 A What I did was the documents that  
4 were provided me from the e-mail and the  
5 documents that I read the other day, I just went  
6 over them and reread them to make sure it was  
7 what we've done in the past.

8 Q You did that not with your attorneys  
9 but on your own?

10 A Yes, sir.

11 Q Did you bring those documents with  
12 you?

13 A No, sir.

14 MR. STECKLOW: We'll put this in  
15 writing but we're going to make a  
16 requests for those documents. I  
17 imagine that most of them have  
18 already been produced.

19 MS. ROBINSON: Of course. I  
20 wouldn't show him anything that  
21 wasn't Bates-stamped.

22 MR. STECKLOW: Very briefly,  
23 Sergeant, I'd like to go over your  
24 NYPD history.

25 Q When did you enter the academy?

1 JOSE VEGA

2 A I entered the academy on June 30th  
3 of 1995.

4 Q What was your first assignment, once  
5 you finished at the academy?

6 A My first assignment was at the 30  
7 Precinct.

8 Q How long were you there for?

9 A I was there from March of '96 until  
10 May 1st of 1998.

11 Q Where were you transferred, at that  
12 point?

13 A I was transferred to the Manhattan  
14 North Task Force.

15 Q For how long were you at MNTF for?

16 A I was there until August of 2001.

17 Q When you were transferred, were you,  
18 at that point, promoted to sergeant?

19 A No, I was transferred, at the time.

20 Q At what point were you promoted to  
21 sergeant?

22 A I was promoted on August 5th of  
23 2005.

24 Q Where were you transferred, after  
25 Manhattan North?



1 JOSE VEGA

2 A I was transferred to the Disorder  
3 Control Unit.

4 Q That was in August of 2001?

5 A Yes, sir.

6 Q Who was your direct supervisor at  
7 the Disorder Control Unit in August of 2001?

8 A At that time, the direct supervisor  
9 was Sgt. Robbie Schwach, S-C-H-W-A-C-H.

10 Q At that point, he was a sergeant?

11 A Yes, at that point.

12 Q Between August 2001 and August 2005  
13 when you were promoted to sergeant, did you stay  
14 at Disorder Control Unit that entire time?

15 A Yes, sir.

16 Q Have you ever left Disorder Control,  
17 since then?

18 A Yes. When I got promoted, I was  
19 transferred to the Ninth Precinct.

20 Q That was in August of 2005?

21 A Yes, sir.

22 Q How long were you at the Ninth  
23 Precinct for?

24 A Until I was transferred back to  
25 Disorder Control on June 26th of 2006.

1 JOSE VEGA

2 Q Have you subsequently stayed at the  
3 Disorder Control the entire time or did you, at  
4 some point, leave Disorder Control?

5 A No, I've been there since then.

6 Q At what point did Robbie Schwach  
7 leave Disorder Control?

8 A July -- his last day was July 4th of  
9 2010.

10 Q At what point did Anthony Raganella  
11 become the CO at Disorder Control?

12 A He became the CO late July, early  
13 August of 2010.

14 Q In between the time that Robbie  
15 Schwach left and Inspector Raganella came in,  
16 who was in charge of Disorder Control?

17 A Theoretically, we had no commanding  
18 officer, but I was in charge for those three  
19 week in that transition period.

20 Q And you've stayed at Disorder  
21 Control since?

22 A Yes, sir.

23 Q You continue there, today?

24 A Yes, sir.

25 Q Has your rank changed, at all?

1 JOSE VEGA

2 A I was given a discretionary  
3 promotion in January of 2016, so the title is  
4 now sergeant special assignment.

5 Q Did that change your  
6 responsibilities or simply just change your  
7 title and your salary?

8 A It was just a change to title and  
9 salary.

10 MR. STECKLOW: Off the record.

11 (Discussion held off the  
12 record.)

13 Q Could you describe the various  
14 locations at which training is provided to the  
15 NYPD?

16 MS. ROBINSON: Objection. You  
17 can answer.

18 A All training or just bought disorder  
19 control training?

20 MR. STECKLOW: I believe you're  
21 here to talk about all training not  
22 just disorder control training; is  
23 that correct, Ms. Robinson?

24 MS. ROBINSON: Just disorder  
25 control training.

1 JOSE VEGA

2 MR. STECKLOW: Okay. Can we go  
3 off the record for a second?

4 (Discussion held off the  
5 record.)

6 MR. STECKLOW: I'm going to take  
7 a minute.

8 (Whereupon, at this time a brief  
9 recess was taken.)

10 MR. STECKLOW: Back on the  
11 record, time is 11:09 A.M.

12 Q Please identify between 2004 and  
13 2011 each location that Disorder Control gave  
14 training?

15 A To the best of my memory, for that  
16 time period, training was conducted at -- it was  
17 called the Bronx Task Force base, which is  
18 located at 1278 Sedgwick Avenue. That's a large  
19 classroom where we do the classroom training.  
20 Our field training was usually done at Randall's  
21 Island. Behind Icahn Stadium there's a large  
22 parking lot, and we use that for the field  
23 training. At other times, we utilize the police  
24 academy located at the one -- the old one in  
25 Manhattan on 20th Street between Second and

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JOSE VEGA

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Third Avenue. We would use their gym and their

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classroom space for our field and our classroom

4

study. Other mobilization drills pertaining to

5

crowd control for that time, we would conduct

6

them in a wide open areas like the Citi Field --

7

it was not Citi Field, at the time. Excuse me.

8

Shea Stadium parking lot and at Floyd Bennett

9

Field on one of their air strips next to the

10

special operations division base. That's most

11

of the locations that I can recall where our

12

crowd control training in the field and in the

13

classroom was conducted.

14

Q You have identified five locations.

15

A Yes, sir.

16

Q Bronx Task Force, field training at

17

Randall's Island, police academy, Shea Stadium

18

and Floyd Bennett Field.

19

Are there any other locations that

20

you can think of where DCU conducted any

21

training between 2004 and 2011?

22

A Not that I recall, right now.

23

Q You discussed that the Bronx Task

24

Force location is where the classrooms were

25

located; correct?

1 JOSE VEGA

2 A Yes, sir.

3 Q Were there classrooms located at the  
4 other locations where Disorder Control conducted  
5 classroom training?

6 A The only location that had a  
7 classroom was the police academy.

8 Q Other than the police academy and  
9 the Bronx Task Force, between 2004 and the end  
10 of 2011 --

11 MR. STECKLOW: Withdrawn. Off  
12 the record.

13 (Discussion held off the  
14 record.)

15 Q Between 2004 and September 30th,  
16 2012, Disorder Control only conducted classroom  
17 trainings at either the Bronx Task Force  
18 location or the police academy; is that correct?

19 A Yes, sir.

20 Q Was the Bronx Task Force utilized  
21 through the year 2001?

22 A Yes, sir.

23 Q So, starting from 2004 through 2011,  
24 Disorder Control conducted classroom trainings  
25 at the Bronx Task Force location?

1 JOSE VEGA

2 A Yes, sir.

3 Q How often did they do that?

4 A The schedule was disjointed. But  
5 what happened was when we -- either we  
6 identified the training need or we were told by  
7 One Police Plaza we would set up training  
8 classes and we put out a schedule to whoever was  
9 going to be trained and then the classroom  
10 instruction was carried on at our base.

11 Q Can you identify when that occurred  
12 in 2011?

13 A In 2011, we had the recruits -- not  
14 the recruit. Excuse me. We would -- I don't  
15 have exact dates on those. It wasn't a lot of  
16 training that was done in the classroom.

17 Q But your testimony is there was some  
18 training done in the classroom?

19 A Yes, sir.

20 Q Was that training for all MOS, for  
21 police officer ranks or sergeant ranks?

22 What ranks of officers did that  
23 classroom training?

24 A The classroom training was for the  
25 ranks and police officer, sergeant and

1 JOSE VEGA

2 lieutenant, but it wasn't for the whole  
3 department. It was mostly kept within the task  
4 forces.

5 Q It didn't rise up above the rank of  
6 lieutenant, there weren't captains or inspectors  
7 or chief trainings there?

8 A No. I personally never conducted  
9 anything for any executives above the rank of  
10 captain and above.

11 MR. STECKLOW: I'm asking about  
12 the City of New York and not you  
13 personally, Sgt. Vega. So I just  
14 want to remind you of that.

15 THE WITNESS: Yes.

16 Q I'm asking you again, that in 2011  
17 that Disorder Control did not conduct any  
18 classroom training for officers above the rank  
19 of lieutenant; correct?

20 A No, I'll have to change that. We  
21 have -- we have a class for newly-promoted  
22 captains. It's called the Command Post  
23 Operations Course and that's taught to new  
24 people that are promoted, and it gets them ready  
25 on how to set up a command post for any type of



1 JOSE VEGA

2 emergency incident.

3 Q Is there any sort of training in  
4 that course on standards of probable cause for  
5 arrest?

6 A No, not -- for that class we teach  
7 there's nothing on probable cause for arrest.

8 Q That is the only course Disorder  
9 Control taught in a classroom setting for  
10 members of the service whose ranks were either  
11 captain or above; correct?

12 A That's from what I can recall, yes,  
13 sir.

14 MR. STECKLOW: I'd like to mark  
15 this as Vega 2. While it's being  
16 marked, I'll ask you to start  
17 looking at it.

18 (Whereupon, at this time, the  
19 above-mentioned Advanced command  
20 leadership training section was  
21 marked by the reporter as Vega's  
22 Exhibit 2, for identification, as of  
23 this date.)

24 Q Have you had a chance to review what  
25 was marked as Vega Exhibit 2?

1 JOSE VEGA

2 A Yes, sir.

3 Q Is this a record of something taught  
4 by Disorder Control?

5 A No, sir.

6 Q Do you know who this is taught by?

7 A This is taught by the -- called the  
8 Leadership Development Section of the NYPD's  
9 police academy.

10 Q This is not something that you have  
11 experience with?

12 A No, sir.

13 Q This is not the document that would  
14 be taught in the command post course that we  
15 just discussed?

16 A No, sir.

17 Q What type of training would take  
18 place at the field training on Randall's Island?

19 A At Randall's Island the field  
20 training that we conducted there consisted of  
21 line and wedge formations, which is -- the  
22 technical name for that is field force  
23 operations and basically how to set up lines and  
24 wedges and the support formations. The second  
25 thing that we was taught on Randall's Island was

JOSE VEGA

mass arrest formations which is a formation that we teach on how to safely arrest people who want to get arrested at a protest, and the big thing we try to teach them there is this is for a non-violent crowd. The third thing that was taught at the field training was a high profile vehicle rescue. High profile vehicle rescue consisted of vehicles, usually three or four at a time, coming into an area saving someone who was in extreme danger and then leaving as quickly as possible. The idea was to rescue, get in and get out without getting involved with the crowd. So, that was the three main basic things that's we taught in our field training constantly when we were at Randall's Island.

Q Is mobile exercise another term for field training?

A It -- it's kind of what the term is. What we call a mobilization exercise or MobEx is when -- for a MobEx we call people without them knowing it's happening. So, we will go there and test the response and then when get there then we go over the field training.

Q Mobilization exercise means you'll

1 JOSE VEGA

2 reach out to certain groups of officers without  
3 notice and say "Today you're coming to Randall's  
4 Island and show up at 0800?"

5 A No. What I meant -- sorry about  
6 that. What I meant is we would go over the air  
7 and we'll say "We're conducting mobilization  
8 exercise. We need to file in units to deploy to  
9 Randall's Island."

10 Q That would over FINEST message or  
11 over a --

12 A It was done always over the radio.

13 Q Over the police radio?

14 A Yes, sir.

15 Q Without notice?

16 A Yes, sir.

17 Q During 2011, how many mobilization  
18 exercises were conducted?

19 A I cannot give like an accurate  
20 answer for that. At the time, we were under  
21 constraints of not doing a lot of exercises  
22 because every time you do an exercise you're  
23 pulling people off of patrol. I know we  
24 conducted. Then the frequency that I can't give  
25 a proper answer to.

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JOSE VEGA

MR. STECKLOW: I'm going to take a break. I can't seem to find the list of mobile exercises. This is what I talked about having a disjointed deposition. We're going to take another quick break.

(Whereupon, at this time a brief recess was taken.)

MR. STECKLOW: Mark these please.

(Whereupon, at this time, the above-mentioned DCV Level I & II mobilization was marked by the reporter as Vega's Exhibit 3, for identification, as of this date.)

(Whereupon, at this time, the above-mentioned 4/1971 Legal Bureau bulletin was marked by the reporter as Vega's Exhibit 4, for identification, as of this date.)

(Whereupon, at this time, the above-mentioned 2/2017 Legal Bureau bulletin was marked by the reporter as Vega's Exhibit 5, for identification, as of this date.)

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JOSE VEGA

(Whereupon, at this time, the above-mentioned NYPD six-month plan was marked by the reporter as Vega's Exhibit 6, for identification, as of this date.)

MR. STECKLOW: Back on the record. The time is now 11:46. It's 11:46 A.M. This is Wylie Stecklow and we're back on the record.

Q We have now marked a document as Vega 3.

Do you see that document in front of you?

A Yes, sir.

Q Have you had a chance to review it?

A Yes, sir.

Q Does this document identify when there were mobilization trainings in 2011?

A Actually, this document identifies two separate things. When we did mobilization training and there was something called CRV training that we were conducting also at the same time.

1 JOSE VEGA

2 Q Can you explain what CRV training  
3 is?

4 A Yes, sir. The term CRV stands for  
5 critical response vehicle. Everyday Monday  
6 through Sunday, the -- every precinct will send  
7 one vehicle to a staging area, usually at the  
8 Javits Center and then they will be deployed  
9 into eight different zones for counterterrorism  
10 reasons. We weren't involved in that but I'm  
11 just explaining it. About three times a week we  
12 were asked by the chief of counterterrorism if  
13 we would come down and train patrol people who  
14 you were doing CRV in crowd control training for  
15 about 30 to 45 minutes three times a week at the  
16 Javits Center.

17 Q This CRV training was training that  
18 occurred at the Javits Center?

19 A Yes, not inside the center itself.  
20 That's where they staged. Usually in their  
21 parking lot or across the street from the Javits  
22 Center parking lot.

23 Q Did the CRV training involve any  
24 training in probable cause standards?

25 A No, sir.

1 JOSE VEGA

2 Q Did it involve any training in the  
3 rights of First Amendment protestors in sidewalk  
4 protests?

5 A No, sir.

6 Q Was the CRV training for all levels  
7 of members of the service or for specific  
8 levels?

9 A It's was only for specific levels.

10 Q Which ranks were those?

11 A Sergeants and police officers.

12 Q No lieutenants, captains,  
13 inspectors, deputy inspectors, chiefs, assistant  
14 chiefs, nothing above there?

15 A Sometimes they would come to watch,  
16 but they were not participating in the training.

17 Q Does CRV training involve any  
18 classroom training?

19 A No, sir.

20 Q It's all field training?

21 A Yes, sir.

22 Q On the document which has been  
23 identified as Vega 3, is there any item here  
24 that involves classroom training or is it all  
25 field training?



1 JOSE VEGA

2 A I will double-check. But if it says  
3 "CRV" in the mobilization, this is all field  
4 training.

5 Q Have you had a chance to review Vega  
6 3?

7 A Yes, sir.

8 Q Is there anything identified here  
9 that involves classroom training?

10 A No, sir.

11 Q Are you able to identify from  
12 looking at this document whether or not there  
13 were ranks above police officer and sergeant who  
14 received any of the training identified in this  
15 document?

16 A In this document, we list down who  
17 was present at the training. So, there is a  
18 caption here that says "Lieutenants." So,  
19 according to this document, it was lieutenants,  
20 sergeants and police officers who were present  
21 at the training.

22 Q Does this identify CRV or CRV and  
23 other types of trainings?

24 A It identifies CRV and it identifies  
25 the mobilizations that we would do with the task

1 JOSE VEGA

2 forces.

3 Q These mobilizations are the ones  
4 that station took place at Randall's Island  
5 outside of Icahn Stadium in the parking lot?

6 A Any mobilization on this document  
7 that says "mobilization" and then there's a  
8 caption that says "Precinct," and it says "025,"  
9 that's Randall's Island Icahn Stadium.

10 Q What on that line identifies it as  
11 Randall's Island Icahn Stadium?

12 A Anything that says "025," which is  
13 the 25 Precinct, that is -- the Icahn Stadium  
14 Randall's Island is in the confines of the 25.

15 Q When I see on that first page right  
16 above "MOB025," there's an entry for 5/11, it  
17 says "MOB063," what does that indicate?

18 A Those -- anything that doesn't say  
19 "025" for the mobilizations, that's a precinct.  
20 During that time, we will conduct mobilization  
21 drills in precincts in high crime areas. The  
22 idea was if you were a precinct commander and  
23 you had a high crime area like high robberies or  
24 high burglaries or something that was like a  
25 felony-type of crime, they would give us that

1 JOSE VEGA

2 high-crime location and we will conduct a drill  
3 at that location, and the idea was that we're  
4 there practicing with a lot of police officers,  
5 there should be no crime occurring, and the  
6 public is happy and safe.

7 Q Looking at the one that says on May  
8 11th "MOB063," that's showing that you were at  
9 the 63rd Precinct doing that training?

10 A Yes, sir.

11 Q And so on the page two of this  
12 document on 5/25, it shows "MOB063" and then two  
13 lines later 6/2 "MOB063," so that's indicating  
14 that between May 11th and May 25th there were  
15 three separate mobilization exercises training  
16 at the 63rd Precinct?

17 A Yes, sir.

18 Q When it talks about "CRV010," is  
19 that indicating that it's at the Javits Center,  
20 and the Javits Center is within the confines of  
21 the 10th Precinct?

22 A Yes, sir.

23 Q On each line there is an entry for  
24 "PLT."

25 Does that stand for platoon?

1 JOSE VEGA

2 A Yes, sir.

3 Q Is that first, second or third [sic]  
4 units what time the training is taking place?

5 A Absolutely. The first platoon is  
6 any platoon that starts after we call it 2300  
7 hours and in laymen's terms it's 11 P.M. So,  
8 the first platoon goes from 11 P.M. to depending  
9 on some people start within 15 minutes of that.  
10 Anytime between 11:00 o'clock in the evening and  
11 7:00 o'clock in the morning. Our second platoon  
12 goes from 7:00 o'clock in the morning to about  
13 three, 3:30 in the afternoon, depending on where  
14 you work, and then our third platoon goes from  
15 about 3:30 til about 11, 11:30 at night.

16 Q The pages -- the first, second,  
17 third, fourth, fifth, sixth and seventh page,  
18 all say "Task Force Only" on the top of it?

19 A Yes, sir.

20 Q What does that indicate to you?

21 A When we were keeping the stats, we  
22 wanted to differentiate who were Task Force  
23 members who came to these drills and who were  
24 the CRV precinct personnel who came to these  
25 drills and exercises.

1 JOSE VEGA

2 Q The Task Force meaning what?

3 Can you explain what the Task Force  
4 means, what that designation is?

5 A In the past, the City of New York --  
6 the Police Department is broken into eight  
7 patrol boroughs. Each patrol borough had it's  
8 own Task Force. So, Manhattan North, Manhattan  
9 South, Brooklyn North, Brooklyn South, Queens  
10 North, Queens South, Staten Island and the  
11 Bronx. So, whenever we conducted either a  
12 mobilization exercise in a precinct area or the  
13 CRV one, we got a certain amount of Task Force  
14 people would come. We wouldn't take them all.  
15 We'd use the average of about three forces at a  
16 time.

17 Q Would this indicate there were no  
18 precinct MOS at the trainings, solely members of  
19 those eight Task Force that you've identified?

20 A The way the stats are kept, if it  
21 said "Task Force Only," then it should only have  
22 been Task Force personnel.

23 Q On the front page it says "DSU Level  
24 I and II Mobilization."

25 What's the distinction there between

1 JOSE VEGA

2 Level I and Level II?

3 A Okay. A Level I mobilization, you  
4 call a Level 1 when you want a localized -- you  
5 have something happen in a local area. So,  
6 Level I you're only going to call one Task Force  
7 and it's a Task Force that's in the area where  
8 you're calling the Level I. So, if you were  
9 doing something let's say in the 10th Precinct,  
10 which is in the confines of patrol borough  
11 Manhattan South, at that time Manhattan South  
12 Task Force. A Level II mobilization you're  
13 bringing out other out-of-borough Task Forces to  
14 a specific borough and it's your decision to  
15 decide who can we use or if they're available to  
16 be used at the time.

17 Q Are these mobilizations called for  
18 when the police are unaware of the situation and  
19 it's quickly developing or is it when something  
20 has been planned for a long time and they're  
21 simply caught with less police officers or how  
22 are they made?

23 A The Level I mobilizations are  
24 usually called if there's a robbery. If there's  
25 an event in which you need more resources show

1 JOSE VEGA

2 up. An example would be a robbery, a missing  
3 child, a missing elderly person, and we need to  
4 find them, so you call a mobilization to get  
5 extra resources there to help that local  
6 precinct address that situation.

7 Q And for Occupy Wall Street, are you  
8 aware of whether there was ever a mobilization  
9 called during Occupy Wall Street's existence?

10 A During the time of Occupy Wall  
11 Street, I'm only aware of two mobilizations that  
12 were called. Are we talking about from the  
13 exact first day because on the first day that  
14 the demonstration happened, they weren't called  
15 Occupy Wall Street? They took that name about  
16 seven days later.

17 Q I'll define it so we could talk the  
18 same. I'll define Occupy Wall Street as having  
19 begun on 9/17/11 and having finished around  
20 9/17/12, more or less.

21 A Okay.

22 Q In that timeframe, how many  
23 mobilizations were called?

24 A I was aware of three mobilizations  
25 called in that time period.

1 JOSE VEGA

2 Q Again, you're here on behalf of the  
3 City of New York; correct?

4 A Yes, sir.

5 Q What was the first one that you  
6 recall?

7 A The first one I recall was 9/24.  
8 September 24th, exactly one week later and that  
9 happened on Saturday. The second one was  
10 December 31th and the last one was on  
11 March 17th.

12 Q I believe you just identified the  
13 Union Square protest date of 9/24, New Year's  
14 Eve?

15 A New Year's Eve and St. Patrick's Day  
16 Parade.

17 Q And then the six-month anniversary.

18 A Which also fell on St. Patrick's Day  
19 Parade.

20 Q Are you aware of whether or not  
21 there was a mobilization called on the first day  
22 on 9/17/11?

23 A There was no mobilization called,  
24 that I was aware. There was a detail in place  
25 because on 9/17 that 11 day, I believe the



1

JOSE VEGA

2

detail's name was Flood Wall Street, and their idea was they wanted to bring awareness to the perception of the one percent, you know, taking the money from the 99 percent. So, there was a detail in place that day, but I'm not aware if there was a mobilization.

8

Q By detail, you mean a specific

9

number of police officers had been identified

10

and had been mustered to a certain area downtown

11

to work in that area that day?

12

A Yes, that's what I mean by detail.

13

Q Looking back at this document we've

14

identified as Vega 3, after it says -- after the

15

seven pages of text, presumably the next page

16

Bates-stamped of 14545, it says on the top "CRV

17

Running Total, PSB and T-F," can you tell me

18

what that means?

19

A Okay. CRV, Critical Response

20

Vehicle running totals. That's what that

21

acronym is for. Underneath where it says "PSB",

22

that's Patrol Services Bureau and Task Force.

23

So, what they cataloging here is the amount of

24

people from patrol that came to the CRV

25

training, in conjunction with the amount of Task

1 JOSE VEGA

2 Force people that were there also.

3 Q PSB stands for what?

4 A Patrol Services Bureau.

5 Q What's the distinction between that  
6 and Task Force?

7 A The Task Force -- each Task Force  
8 was that borough's Rapid Response Unit, while  
9 PSB, Patrol Service Bureau, stands for people  
10 that are assigned to specific precincts in the  
11 police department.

12 Q Somebody who is a PSB would be  
13 somebody who is working out of precinct and is  
14 just told "This day you're going to Disorder  
15 Control Training?"

16 A They were going to CRV training and  
17 then on the day that we were calling down, they  
18 receive the Disorder Control training first and  
19 then they went back to their CRV post.

20 Q On the days that they're identified  
21 here as PSB, they would have received both  
22 Disorder Control training and CRV training?

23 A Well, let me clarify that. You get  
24 Disorder Control training and then CRV was their  
25 post for the day.

1 JOSE VEGA

2 MR. STECKLOW: I'd like to look  
3 now at what's been marked as Vega 4  
4 Which -- let's look at four and  
5 five. I believe this one is four  
6 and this one is five. Let me know  
7 when you've had a chance to review  
8 these two documents.

9 THE WITNESS: Okay.

10 Q Are these two documents that were  
11 among the documents you were given by counsel to  
12 review, prior to today's deposition?

13 A Yes, sir.

14 Q We discussed these earlier about how  
15 one was issued in 1971 and the other one was  
16 issued in 2017; correct?

17 A Yes, sir.

18 Q These are the two Legal Bureau  
19 bulletins that involve disorderly conduct;  
20 correct?

21 A Yes, sir.

22 Q Do you know if there was any other  
23 Legal Bureau bulletin in between 1971 and 2017  
24 regarding disorderly conduct?

25 A Not I that I know of, sir.

1 JOSE VEGA

2 Q Do you know if the law changed, at  
3 all, for disorderly conduct between 1971 and  
4 2017 in New York?

5 A Not that I'm aware of, sir.

6 MR. STECKLOW: Let's do this one.  
7 Can you mark this one as Vega 7?

8 (Whereupon, at this time, the  
9 above-mentioned DCU 09053 was marked  
10 by the reporter as Vega's Exhibit 7,  
11 for identification, as of this  
12 date.)

13 MR. STECKLOW: Starting with six  
14 and we'll get to seven.

15 Q Have you had a chance to look at  
16 what's been marked as Vega 6?

17 A Yes, sir.

18 Q Could you identify what that is?

19 A This was a document from the  
20 commanding officer of the Disorder Control Unit  
21 to the commanding officer of the Special  
22 Operations. It says "Chief of Special  
23 Operations" because when he got promoted they  
24 have had to change the wording, but he is still  
25 the commanding officer. Basically, what he

1 JOSE VEGA

2 would do every six months, he would ask every  
3 commanding officer to identify what are you  
4 going to do for the next six months. So, this  
5 was the subject six-month plan from June 1st to  
6 December 1st of 2011, and what was it that we  
7 wanted to accomplish and we'll let him know  
8 about it and then he'd approve or disapprove.

9 Q These are the types of trainings  
10 Disorder Control is hoping to accomplish in the  
11 following six months?

12 A That was what we wanted to do in  
13 2011, yes, sir.

14 Q In all of 2011 or in the six months  
15 of June 1st of 2011 to December 1st, 2011?

16 A In the second part, yes. Sorry  
17 about that. From June 1st to December 1st, this  
18 is what we wanted to accomplish or to continue.

19 Q There are how many bullet points on  
20 this document?

21 A Eleven bullet points.

22 Q They each are a separate and  
23 distinct training that Disorder Control is  
24 looking to accomplish in the six months?

25 A Either a separate or distinct

1 JOSE VEGA

2 training or a separate and distinct training  
3 offered to a different type of unit that may not  
4 be what we usually train. So, yes, that's  
5 what's listed in there.

6 Q Are these mobilization exercise  
7 trainings, CRV trainings, classroom trainings?

8 What type of trainings are they?

9 A The first bullet point is the  
10 continuation of our CRV training. The second  
11 one is the continuation of the mobilization that  
12 were we were doing in the high-crime areas.  
13 The third one is that we wanted to conduct and  
14 continue conducting quarterly drills for the all  
15 eight Task Forces at one time.

16 Q Could you identify what you mean by  
17 drills?

18 Are they mobilization or classroom?

19 A They're mobilization exercises in  
20 the field to all eight Task Forces on one shot.

21 Q To have a large mobilization  
22 exercise for all eight Task Forces in one  
23 setting?

24 A Yes, sir.

25 Q At one moment in time?

1 JOSE VEGA

2 A Yes.

3 Q Is that something that had been  
4 ongoing, prior to this period?

5 A It would happen but not frequently  
6 because it's a logistical nightmare to get all  
7 eight Task Forces off the field at the same  
8 time.

9 Q How many member of the service is  
10 that?

11 A It could be up to 200 members of  
12 service on one shot.

13 Q That would be for all eight Task  
14 Forces?

15 A Yes, sir.

16 Q Continue.

17 A The fourth bullet of the Disorder  
18 Control also conducts CBRNe training or HazMat  
19 training which is chemical, biological,  
20 radiological awareness classes. So, that was --  
21 and then the HazMat technician course, that is a  
22 course that's given to the layman. That's when  
23 you have to put on an air tank and scuba gear,  
24 in order to enter an area that could have been  
25 attacked either with chemical weapon or

1 JOSE VEGA

2 biological weapon, any atmosphere that's not  
3 breathable. So, we did that training also, so  
4 we were asking to do training to our Task Force  
5 personnel who are HazMat technicians.

6 Q Could you identify, is that a  
7 classroom training, is that a mobilization  
8 exercise or a drill?

9 A The HazMat class is a classroom  
10 training.

11 Q Where is that conducted?

12 A That was usually conducted at the  
13 Bronx Task Force base. The reason why I  
14 hesitated, that's now called the SRG2 base. I  
15 always said the wrong name there.

16 MR. STECKLOW: Understood.

17 Q While you're there, and I'll come  
18 back to this in a second, does Disorder Control  
19 continue to do trainings, today?

20 A Yes, sir.

21 Q The same type of training it was  
22 doing in 2011?

23 A Not the same type, no, sir.

24 Q Has it changed?

25 A Yes, sir.



1 JOSE VEGA

2 Q How has it changed?

3 A We no longer to do any HazMat  
4 training. We do crowd control training, but  
5 that training has changed over the years. We  
6 conduct what the national standards when it  
7 comes to our field force operations for crowd  
8 control. We also conduct tactical bike  
9 training. So, basically anything crowd control  
10 related that's done on foot we can now do on  
11 bicycles, and then we also conduct our M4  
12 refreshers. The members of SRG who were -- what  
13 used to be the Task Force is now a response  
14 group, they are deployed with M4 rifles for  
15 counterterrorism deployments. Disorder Control  
16 is in charge of conducting a refresher so they  
17 know how to enter an area in case of an active  
18 shooter. So, we constantly train them in that.  
19 So, that's one big change from what we used to  
20 do in the past.

21 Q Has SRG replaced the borough Task  
22 Force?

23 A Yes, sir.

24 Q The eight borough Task Force no  
25 longer exist?

1 JOSE VEGA

2 A No, sir.

3 Q And SRG is one large organized group  
4 of personnel?

5 A Yes. What they did was instead of  
6 having eight Task Forces in eight areas with  
7 eight commanding officers, what they did was  
8 they created one SRG, Strategic Response Group.  
9 They do get dressed out of five geographical  
10 locations, one location for each borough, in the  
11 City of New York, but they work for one  
12 commanding officer.

13 Q Who is the CO of the SRG?

14 A The CO of the SRG is Inspector John  
15 D'Adamo, D-A-D-A-M-O.

16 Q You said that you conduct a  
17 refresher course on M5?

18 A The M4.

19 Q That's a specific weapon?

20 A Yes, sir.

21 Q When you say "refresher course,"  
22 does that mean that there's a training on it  
23 prior to you giving the refresher training?

24 A Yes, sir.

25 Q Where does that first training take

1 JOSE VEGA

2 place?

3 A The prior training is conducted at  
4 our shooting range at Rodman's Neck and that  
5 qualification is done by the instructors  
6 assigned to the shooting range.

7 Q Could you spell the name of Rodman's  
8 for her?

9 A Rodman's Neck is R-O-D-M-A-N and  
10 then neck.

11 Q How often do you do the M4 refresher  
12 for the SRG?

13 A The M4 refresher is done biannually.  
14 It's a four-day refresher and they go to it  
15 twice a year.

16 Q Going back to the Vega 6, the last  
17 one we were looking at was HazMat tech and it  
18 also talks about refresher retraining?

19 A Yes.

20 Q This is not the initial training for  
21 HazMat technicians but this is a subsequent  
22 training?

23 A Yes, sir.

24 Q Where is the initial training given?

25 A The initial training is conducted in

JOSE VEGA

one of three locations. None of them is by Disorder Control. You either take the Environmental Protection Agency's HazMat technician course, which is in Edison, New Jersey or you can get the HazMat technician course that they conduct at Anniston, Alabama in the Center for Domestic Preparedness. The third location you can take the HazMat technician course which is offered by NYPD's Emergency Service Unit.

Q Why is it that Disorder Control does a refresher retraining in HazMat?

A The reason why we do it is because Disorder Control is in charge of the COBRA deployment in the City of New York, and in that deployment all members of SRG and Task Force will COBRA qualify where only a certain amount of members were HazMat techs. So, because we were in charge of that detail, we also took over the retraining for the refreshers of these individuals so they could stay current on the use of that air tank.

Q How often is an individual HazMat technician required to do the refresher

1 JOSE VEGA

2 retraining?

3 A In the past under us that was an  
4 annual retraining.

5 Q Are there any other refresher  
6 re-trainings that Disorder Control provides?

7 A We also currently conduct for a  
8 refresher, we do do a crowd control refresher  
9 which lasts one day.

10 Q For what rank of MSO is a crowd  
11 control refresher?

12 MS. ROBINSON: Objection. Are  
13 you asking him about the timeframe  
14 in the notice or current?

15 MR. STECKLOW: I was going to get  
16 there.

17 MS. ROBINSON: Because he's not  
18 being offered for anything  
19 post-Occupy.

20 Q Is the crowd control refresher  
21 something that happens now or is it something  
22 that happened between 2004 and 2011?

23 A It happened between 2004 and 2011  
24 also.

25 Q How often did individuals go through

1 JOSE VEGA

2 the crowd control refresher between 2004 and  
3 2011?

4 A Anything that they did that was not  
5 their initial training was always considered a  
6 refresher. So, if you went to the CRV, you're  
7 being refreshed on the training. If you went to  
8 mobilization exercise, you were being refreshed  
9 on the training. So, as long as it wasn't your  
10 initial first time going through it, everything  
11 else is considered a refresher.

12 Q Is there a specific requirement for  
13 how often somebody needs to go through a  
14 refresher retraining?

15 A No, there has never been either in  
16 the City of New York or by federal standards any  
17 specific requirement like hours a year that a  
18 person had to go to a refresher.

19 Q Why does the NYPD have people go  
20 through refresher re-trainings?

21 A Because we feel that if you have  
22 someone go to training constantly then you are  
23 kept up to date on how to do your job. Crowd  
24 control training is a perishable skill. If you  
25 don't practice it, you start to learn -- I mean,

1 JOSE VEGA

2 you forget what you learned when it comes to  
3 that.

4 Q Was this something that people went  
5 through once a year, more than once a year, less  
6 than once a year?

7 A At the minimum, at least once a year  
8 everybody went through it.

9 Q You're talking about individuals  
10 that were part in the past of the Task Force and  
11 are now part of SRG; is that correct?

12 A Yes, sir.

13 Q And not members of the PSM?

14 A Patrol Services Bureau.

15 Q We are not talking go about members  
16 of the PSB, but we're talking about members of  
17 the Task Force or we're talking about both?

18 A We're talking about the members of  
19 the Task Force. We did not have control of the  
20 Patrol Services Bureau and their training.

21 Q Let's go back to Vega 6, the next  
22 bullet and the next one.

23 A The next bullet was we identified  
24 that we needed more HazMat technicians. So, our  
25 job was to reach out to the Center for Domestic

1 JOSE VEGA

2 Preparedness in Anniston, Alabama or to the EPA  
3 course in Edison, New Jersey or to ESU and find  
4 out when they were offering the courses and if  
5 we would get more people from the Task Forces  
6 trained to the level of HazMat technician.

7 Q Were these re-trainings going to be  
8 classroom, drills or a combination?

9 A For the retraining, they were all  
10 going to be classroom training.

11 Q These would take place at the Bronx  
12 Task Force?

13 A If we did them, yes, it would be  
14 taken care of in that building, yes.

15 Q The next one?

16 A The next one, the next bullet point,  
17 basically, we identify we have our own scuba  
18 tanks, but those tanks were different than what  
19 other units would use. So, what we wanted to do  
20 was to make sure that we could exchange those  
21 tanks to the ones that everybody else so they  
22 could -- we could all -- everyone had the same  
23 equipment so if there was an emergency I could  
24 just trade out a tank without a problem.

25 Q Is that less of a training and more



1 JOSE VEGA

2 of a equipment issue?

3 A Yeah, that was we identified a  
4 logistical issue, when it came to that.

5 Q The next bullet point?

6 A Continuation of command post  
7 training and exercises. As I stated earlier, we  
8 had a class for new sergeants, new lieutenants  
9 and new captains during their training period  
10 when they first got promoted. The class is  
11 called the Command Post Operations course. So,  
12 what we wanted to was to ensure that we could  
13 keep on conducting that class.

14 Q The Command Post Operations course,  
15 could you explain a little bit about what that  
16 was?

17 A Yes, sir. A Command Post Operations  
18 course was a one-day course that was offered to  
19 all newly-promoted sergeants, lieutenants and  
20 captains. It consisted of lectures and  
21 classroom training. The lectures were on  
22 demonstrated tactics, then our NYPD tactics.  
23 The other lecture was the Command Post  
24 Operations how to set up a command post, how to  
25 get it up and running and what equipment you

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1  
2 needed if you were going to be doing an ongoing  
3 detail or affair or anything that you needed a  
4 command post up and you wanted to facilitate the  
5 coordination of resources and communication. In  
6 the last part of the training, we broke the  
7 class into smaller units and then we gave them  
8 an exercise. Basically, they had to run either  
9 a parade or a protest and then we would give  
10 them like inputs to test their knowledge on what  
11 we taught them throughout the day.

12 Q This was a classroom training, as  
13 well as an exercise training?

14 A But it was all -- it was classroom  
15 and exercise, but all conducted in the  
16 classroom. That type of exercise is a  
17 functional exercise. Basically, you sit in a  
18 classroom setting, we give you a map and some  
19 handouts and then we tell you "This is  
20 happening. How would you have handled it?" and  
21 they take care of it that way.

22 Q Did these trainings involve  
23 standards of probable cause for arrest?

24 A No. This was only on how to set up  
25 a command post and how to run it, in case you

1 JOSE VEGA

2 had a demonstration or some longstanding issue  
3 that necessitated having a command post set up.

4 Q Did this include any instruction on  
5 disorderly conduct statute and how it is in play  
6 during sidewalk protests?

7 A No, we do not teach anything when it  
8 came to that.

9 Q Let's go onto the next one.

10 A The next one is we have command post  
11 training exercises that we will conduct for  
12 people assigned to patrol boroughs. So, this  
13 exercise was basically a classroom training and  
14 basically we gave them a scenario and they will  
15 have to explain to us how they will handle.

16 Q I will ask you the same question,  
17 did this involve any probable cause standards  
18 training?

19 A No, sir.

20 Q Any instruction in probable cause  
21 standards?

22 A No, sir.

23 Q Did it involve any instruction in  
24 disorderly conduct standards and how it was in  
25 play in sidewalk protests?

1 JOSE VEGA

2 A No, sir.

3 Q Going to the next bullet point, did  
4 that training involve any probable cause  
5 standards instruction?

6 A No, sir.

7 Q Did that training involve any  
8 instructions on First Amendment standards,  
9 disorderly conduct standards, and how they were  
10 played in sidewalk protests?

11 A No, sir. Those two bullet points  
12 you just brought up, that were command post  
13 training for other members of service assigned  
14 to the patrol boroughs and how they would handle  
15 a situation that would arise. It could've been  
16 either a parade or a high-impact game and, you  
17 know, how they would deal with a crowd issue.

18 Q Looking at the last bullet point on  
19 this page, it talks about academy training by  
20 Disorder Control; is that accurate?

21 A Yes, sir.

22 Q Did Disorder Control conduct  
23 training at the academy for each recruit class?

24 A No, not all the time.

25 Q It would happen sometimes?

1 JOSE VEGA

2 A What happened was we had -- we  
3 had -- from the time I was in the unit to the  
4 spring of 2005, we conducted disorder control  
5 training for the academy class. From 2005 to, I  
6 believe, the late 2011 or early 2012, the Police  
7 Academy decided that they wanted to centralize  
8 all training, so their training staff conducted  
9 disorder control training. Then in late 2011 or  
10 early 2012, Disorder Control Unit took back that  
11 one day of training with the recruits.

12 Q During the time period that Disorder  
13 Control did conduct training at the academy,  
14 which is obviously, I think, prior to 2011 and  
15 then subsequent to 2011; is that accurate?

16 A Yes.

17 Q Did any of the training involve  
18 standards of probable cause for arrest?

19 A No, because what we conducted was  
20 crowd control training on line and wedge  
21 formations, mass arrests in case of a riot.  
22 That's what we were getting them ready for.

23 Q While Disorder Control was doing  
24 trainings at the academy for recruits, did the  
25 training include any instruction on the First

1 JOSE VEGA

2 Amendment?

3 A We don't do that part. But all  
4 recruits, one of their core comps that I receive  
5 from the academy, they get law instruction. So,  
6 during that law instruction, it goes over the  
7 Constitution, all the amendments and how they  
8 pertain to all the statutes that they have to  
9 cover in the City of New York.

10 Q Does Disorder Control conduct that  
11 training?

12 A No, sir.

13 MR. STECKLOW: Please try and  
14 restrict your answer to the  
15 questions I'm asking and we'll get  
16 through this a lot faster.

17 THE WITNESS: Okay.

18 Q During the time that Disorder  
19 Control conducted training at the academy for  
20 the recruits, did they give any instruction on  
21 disorderly conduct statutes and sidewalk  
22 protests?

23 A The only time that we would mention  
24 disorderly conduct was during our mass arrest  
25 lecture and our mass arrest training.

1 JOSE VEGA

2 Q That would be at the recruit  
3 training?

4 A Yes, sir.

5 Q What would you say at the recruit  
6 training involving disorderly conduct and  
7 sidewalk protests?

8 A We would explain to them that when  
9 we had to arrest people for disorderly conduct  
10 statute, the first thing that it had -- it's a  
11 violation. So we're always stressing in the  
12 doesn't that they had to see it, it had to be in  
13 their view. If they didn't see it, obviously,  
14 they cannot take the arrest. Number two, we had  
15 to explain to them that when it came to block  
16 sidewalk or blocking a street, it has to be real  
17 blocking. It can't be like if someone is  
18 standing and the person is walking up to them,  
19 they walked around them. It has to be that  
20 people cannot walk passed them and that the  
21 protestor was doing this on purpose. It wasn't  
22 a mistake or an accident. So, that's how we  
23 stressed it when we taught the mass arrest part.

24 Q Is that something that was contained  
25 in any writing or any handout that was given to

1 JOSE VEGA

2 the recruits?

3 A We didn't give out any handouts at  
4 all. There was a Power Point on mass arrest and  
5 in that Power Point it explains that -- there  
6 was just a quick part of it said that it had to  
7 be in their view when it came to a violation.

8 Q The standard you gave about the  
9 blocking of sidewalk, how was that conveyed to  
10 the recruits?

11 Was it conveyed in writing, was it  
12 conveyed as a Power Point or was it conveyed  
13 solely verbally?

14 A That was conveyed verbally.

15 Q There's no documentation of that  
16 message being given to the recruits?

17 A Not that I'm aware of, sir.

18 Q On any of the trainings that we've  
19 gone through that's documented by Vega 6, were  
20 there any instructions given on dispersal  
21 orders?

22 A We would explain about the dispersal  
23 orders. We would always emphasis that we don't  
24 come up with the dispersal orders. The Legal  
25 Bureau would give them to us. They vet them to



JOSE VEGA

make sure that what we're reading was correct and then we'd explain to them that when we do dispersal orders, we've always, from the past to even to now, tell them that, number one, make sure you have someone in the back of the crowd much and when you give those orders they're dealt. If someone at the back of the crowd hears them, then common sense dictates that everyone between me and the officer at the end could also hear the dispersal orders. The other part was the arresting officers, obviously, the dispersal orders are probably being given for violation. They have to be present. We have to see what we're telling them to disperse from, in order for them to articulate properly when it goes to court.

Q Did any of the dispersal order training include how to craft an appropriate dispersal order?

A No.

Q There was no training given on requirement to give an alternative location for protest activity, when giving a dispersal order?

A What -- could you clarify that? Do

1 JOSE VEGA

2 you mean that if I told someone to leave  
3 somewhere, am I telling them to go somewhere  
4 else and they'll be okay; is that what the  
5 question is?

6 Q Yes.

7 A We do tell them that because the  
8 dispersal order means if you leave the area  
9 where you are now -- if you don't leave the area  
10 you're going to get arrested. So, the order, as  
11 long as they know to move and we tell them where  
12 they can go, there should be no issue.

13 Q Is there instruction given by  
14 Disorder Control and any of these forces on how  
15 to craft an appropriate dispersal order that  
16 includes an alternative location for protest?

17 A No, we don't do that training.

18 Q When you just discussed that you do  
19 give out the idea that people need to be told to  
20 leave and go somewhere else, in which training  
21 is that given?

22 A The Legal Bureau has attorneys and  
23 officers that are attorneys and they conduct  
24 training with recruits and other members of the  
25 service and they go over that part.

1 JOSE VEGA

2 Q We did they conduct that training?

3 A I don't know what time for the  
4 recruit training that that law part comes.

5 Q Do you know if they have any  
6 refresher training, regarding those issues?

7 A For the recruits?

8 Q Yes.

9 A Or for the Task Force or sergeant?

10 Q For any members of the service.

11 A The recruits get six months of  
12 training. So, during those six months they go  
13 over the law constantly. So, they are told from  
14 day one to the last day, they go over the  
15 disorderly conduct because that is one of the  
16 main things that you will do when it comes to  
17 crowd control.

18 MR. STECKLOW: I was asking about  
19 refresher training.

20 Q Is refresher training given at the  
21 academy to recruits during their cadet time?

22 MS. ROBINSON: Objection. You  
23 can answer, if you know.

24 A No, there's no refresher training  
25 that I know of because they're there from --

1 JOSE VEGA

2 they're getting initial training for six months  
3 on how to do the job.

4 Q When I'm asking about refresher  
5 training, obviously, we're not talking about  
6 that timeframe.

7 A Right.

8 Q So, I was asking you if you know of  
9 any refresher training --

10 MR. STECKLOW: Withdrawn.

11 Q We have already discussed refresher  
12 training when it comes to the M4 weapon?

13 A Yes, sir.

14 Q And when it comes to HazMat;  
15 correct?

16 A Yes, sir.

17 Q I'm asking now, is there refresher  
18 training given when it comes to the disorderly  
19 conduct statute?

20 A Not that I'm aware of. I know  
21 members of service receive refresher training,  
22 something called "Intac", in-service training,  
23 and they're required to go there twice a year.  
24 Now, what they go over different things. At  
25 times, they've gone over crowd control stuff,

1 JOSE VEGA

2 but I'm not sure in they're conducted every  
3 single time.

4 Q Who conducts the Intac training?

5 A That is conducted by member assigned  
6 to the leadership training section of the police  
7 academy.

8 Q It's not by Disorder Control?

9 A No, sir.

10 Q You believe it's by members of the  
11 academy who conduct the Intac training?

12 A Yes, sir.

13 Q And the Intac training is given to  
14 all levels of members of the service, all ranks?

15 A It's given to ranks under --  
16 lieutenants, sergeants, police officers assigned  
17 to patrol.

18 Q At what point are refresher courses  
19 given to captains, deputy inspectors,  
20 inspectors, assistant chiefs, deputy chiefs and  
21 chiefs?

22 A I know that once a year all  
23 executives receive all-out training. That means  
24 that every executive is brought together at the  
25 police academy and they receive training over

1 JOSE VEGA

2 any relevant issues they need to know about.

3 Q Do you know whether or not that  
4 includes disorderly conduct statute and how it  
5 affects persons and protest activity on  
6 sidewalks?

7 A I know they go over disorderly  
8 conduct statutes. They go over how to handle  
9 demonstration. I don't know if it's specific to  
10 a sidewalk.

11 Q Have you attended these trainings?

12 A No. Those are only for executives,  
13 captains or above.

14 Q How is it that you know that they go  
15 over disorderly conduct statutes at the  
16 trainings?

17 A Because my last three commanding  
18 officers, whenever they've gone, they get a  
19 handout and they come back and they go over what  
20 the topics are.

21 Q How big is this handout?

22 A The size of a pamphlet, I'm going to  
23 say.

24 Q In the pamphlet, it goes over  
25 everything that they have reviewed at the

1 JOSE VEGA

2 training?

3 A Yes, sir.

4 Q Your memory is that includes  
5 disorderly conduct?

6 A Yes.

7 Q Has that been in every one of the  
8 trainings that these superior officers came back  
9 from?

10 A No.

11 Q Which ones do you recall the  
12 disorderly conduct statute being discussed?

13 A There's one that my old commanding  
14 officer, Anthony Raganella, went to and that was  
15 discussed. The timeframe that one I don't  
16 remember.

17 Q Do you know where that training was  
18 taken?

19 A All that executive training, when  
20 they bring them all out is conducted at the  
21 police academy.

22 MR. STECKLOW: Obviously, we'll  
23 make a request in writing following  
24 this, but we're going to ask for the  
25 production of any of these handouts

1 JOSE VEGA

2 that were at the superiors' Intac  
3 training at the police academy.

4 Q Is that what it's called?

5 A Well, for the nonexecutives, it's  
6 Intac. For the executives, I believe it's  
7 called "All Out."

8 MR. STECKLOW: We will make a  
9 request for the All Out training  
10 materials.

11 MS. ROBINSON: Noted.

12 MR. STECKLOW: Let's get to  
13 seven. I think you have seven  
14 already. Please review seven and  
15 let me know when you've had an  
16 chance to do so.

17 Q Have you had a chance to review Vega  
18 7?

19 A Yes, sir.

20 Q What is this document?

21 A This is a proposal that was proposed  
22 by Lt. Schwach when he was -- they never gave  
23 him the title of commanding officer. The title  
24 they gave him was lieutenant-in-charge, when he  
25 was in charge of Disorder Control. He had a



1 JOSE VEGA

2 proposal to retrain all the borough Task Forces  
3 in all topics pertaining to crowd control.

4 Q Was this approved?

5 A No.

6 Q Why was it not approved?

7 A That's above my pay level. That  
8 went to Chief Camandano (phonetic) at the time  
9 and that's all I know about that one.

10 Q Do you know whether this was  
11 instituted or not instituted?

12 A It was not instituted.

13 Q Do you see on these second and third  
14 page under Training Type, it has some that say  
15 "lecture," some that say "hands on?"

16 A Yes, sir.

17 Q Would that distinguish between a  
18 mobile exercise drill would be hands on and  
19 lecture would be classroom?

20 A Lecture means classroom instruction.  
21 Hands-on training means that we'd be in the  
22 field doing training.

23 Q Do you know if any of the specific  
24 sub items were instituted into Disorder Control  
25 training?

1 JOSE VEGA

2 A This training was always in Disorder  
3 Control. What he wanted to do was he just -- he  
4 proposed this because he wanted to start doing  
5 it again on a more regular basis.

6 Q When it was declined, did that mean  
7 they didn't do it on a regular basis but they  
8 continued to do it in some fashion?

9 A Yes. When it was declined, he  
10 wanted this to be formalized and to be scheduled  
11 so every single person could come at a specifics  
12 date. It was declined but this training still  
13 occurred in different phases like if we did an  
14 exercise then we did crowd control formations or  
15 mass arrest tactics or barrier devices.

16 Q Do you see the column that says  
17 "Time?"

18 A Yes.

19 Q Were those times as part of the  
20 training that did take place or these were the  
21 times that were suggested for the  
22 more-formalized one that Lt. Schwach wanted?

23 A The time that he had there was the  
24 suggestion for this formalized training because  
25 he wanted to show how we were -- where the eight

1 JOSE VEGA

2 hours of training among the two days would go.

3 Q When Disorder Control conducted  
4 training in 2011, how many hours of training  
5 were conducted for each group that came for  
6 training?

7 A When we did the CRV training, it  
8 usually ran between 30 minutes to an hour, no  
9 more than that, because they had to get on their  
10 posts. The CRV post is a counterterrorism post.  
11 So, they wanted them to be covered. When we did  
12 the mobilization exercises in the high-crime  
13 areas, it ran for no more than 60 minutes. Then  
14 when we did the larger ones in Randall's Island,  
15 that could go anywhere between two to four  
16 hours.

17 Q There are 16 hours of time in this  
18 document; correct?

19 A For the formalized training, yes,  
20 sir.

21 Q You just identified that there was  
22 no more than two to four hours on the training  
23 that were done by Disorder Control; correct?

24 A Yes, sir.

25 Q What parts of this were not covered

1 JOSE VEGA

2 because it was not the 16 hours but it was two  
3 to four hours?

4 A Well, the first thing that we don't  
5 cover, the command post management and table  
6 exercise, that was a tabletop exercise. So we'd  
7 go over how to run a command post because at the  
8 time Task Force was in charge of open command  
9 posts. So, we'd go over how to run a command  
10 post, how to open it and then they would get a  
11 tabletop exercise on running a situation. So,  
12 that's never done on the field.

13 Q Without explanation, just identify  
14 which ones were not part of the Disorder Control  
15 training?

16 A The command post management and  
17 tabletop exercise. The less lethal munitions  
18 review. The NYPD mobilization system and sims,  
19 and the legalities of civil disorder,  
20 introduction to civil disorder and you're  
21 welcome administration.

22 Q You just said "introduction to civil  
23 disorder," but did you mean "introduction to  
24 disorder control?"

25 A I'm sorry. Introduction to disorder

1 JOSE VEGA

2 control. I'm sorry.

3 Q The ones that you just identified  
4 are the ones that were not part of Disorder  
5 Control training?

6 A They're not part when we do the  
7 field training for the one hour and two hours  
8 and three hours.

9 Q I believe it was Vega 3, all of the  
10 training identified in Vega 3 included just the  
11 field training; correct?

12 A Yes, sir.

13 Q The items that you've just  
14 identified as not being included in the field  
15 training means that the individuals trained in  
16 Vega 3 did not get those trainings?

17 A Right, because the stuff listed in  
18 Vega 3 is field training. The items that I told  
19 you that were excluded were classroom training.

20 MR. STECKLOW: Let's mark this --  
21 are we up to eight?

22 (Whereupon, at this time, the  
23 above-mentioned 1/16/12 memo was  
24 marked by the reporter as Vega's  
25 Exhibit 8, for identification, as of

1 JOSE VEGA

2 this date.)

3 Q Have you had a chance to review what  
4 was marked as Vega 8?

5 A Yes, sir.

6 Q What's this document?

7 A This is an e-mail between my  
8 commanding officer and another individual. The  
9 e-mail was going over -- the NYPD has a book  
10 that's about 65 pages long called "The Disorder  
11 Control Guidelines Booklet." It was initially  
12 published in 1993, revised in '97, and the  
13 e-mail was is there any substantive changes from  
14 the book from then to the time of this e-mail.

15 Q Did they go through --

16 MR. STECKLOW: Withdrawn.

17 Q Does the document identify what  
18 areas should be added or revised in the booklet?

19 A Yes, sir.

20 Q Does that include anything regarding  
21 disorderly conduct?

22 A No.

23 Q Does it include anything regarding  
24 the First Amendment?

25 A No.

1 JOSE VEGA

2 Q Does it include anything regarding  
3 dispersal orders at protests?

4 A No.

5 Q Does it include anything involving  
6 sidewalk protest standards for policing?

7 A No.

8 MR. STECKLOW: Let's mark this as  
9 Vega 9 for identification.

10 (Whereupon, at this time, the  
11 above-mentioned 8/11/11 memo was  
12 marked by the reporter as Vega's  
13 Exhibit 9, for identification, as of  
14 this date.)

15 MR. STECKLOW: Let me know when  
16 you're finished looking at that  
17 document.

18 THE WITNESS: Yes, sir.

19 Q Do you recognize this document?

20 A Yes, sir.

21 Q What's this document?

22 A This was a document from my  
23 commanding officer to the deputy commissioner of  
24 public information stating that we were -- we,  
25 the Disorder Control Unit, was going to conduct

1 JOSE VEGA

2 a full scale Level II mobilization exercise on  
3 Randall's Island on a specified date.

4 Q Do you have an understanding as to  
5 why on this particular date, August of 2011,  
6 there was going to be a full scale Level II  
7 mobilization exercise?

8 A Yes, sir.

9 Q Why is that?

10 A It was conducted in August because  
11 September is usually the time when the United  
12 Nations General Assembly is in session. There's  
13 always a lot of protest activity there. So, we  
14 felt that if we got ready in August, we'd have  
15 the United Nations General Assembly covered. We  
16 also have the U.S. Open which comes up at the  
17 time. Not that I'm picking on them, but my  
18 team, the Yankees, are always in the playoffs.  
19 So, we had a feeling late September playoff  
20 games, early October maybe the World Series.  
21 So, we felt that was a good time for them to get  
22 ready for a lot of the upcoming events that were  
23 occurring.

24 Q In August of 2011, did the City of  
25 New York know Occupy Wall Street was going to be



1 JOSE VEGA

2 a protest that was happening in September of  
3 2011?

4 A Not that I'm aware of, sir.

5 Q Did the City of New York know that  
6 it was happening?

7 A Probably not.

8 Q Did this mobilization exercise  
9 occur, in part, due to Occupy Wall Street coming  
10 to New York City in September of 2011?

11 A No, not that I'm aware of also.

12 Q Were these mobilization exercises,  
13 classroom exercises or a mix?

14 A This one exercise on this document  
15 was just all field training.

16 Q Was there any training as part of  
17 this in disorderly conduct standards?

18 A No.

19 Q Was there any training as part of  
20 this Level II mobilization in First Amendment  
21 activity?

22 A No, sir.

23 Q Was there any training or  
24 instruction, as part of this full scale Level II  
25 mobilization in August of 2011, involving the

1 JOSE VEGA

2 standards of arrest for sidewalk protests?

3 A No, sir.

4 Q Was there any training or  
5 instruction in this full scale Level II  
6 mobilization in August of 2011 that involved the  
7 proper creation of dispersal orders?

8 A No, there was nothing there about  
9 the proper creation of dispersal orders.

10 Q Was there anything about dispersal  
11 orders, at all?

12 A Part of this exercise was after we  
13 conducted the training, we had cadets as actors  
14 so they were to take over a part that we made  
15 like a sidewalk area and a street area. They  
16 were to block the road. We were going to then,  
17 as part of this exercise, clear this road first  
18 by giving them orders and then by either  
19 removing them out of the way or arresting them  
20 during the exercise.

21 Q Did the instruction or training  
22 include the same type of sidewalk protest as it  
23 did in street protest?

24 A What we did it -- this exercise  
25 basically was they were blocking the street. We

1 JOSE VEGA

2 didn't use anything with the sidewalk.

3 MR. STECKLOW: Next let's mark  
4 this as Vega 10.

5 (Whereupon, at this time, the  
6 above-mentioned 12/20/11 memo was  
7 marked by the reporter as Vega's  
8 Exhibit 10, for identification, as  
9 of this date.)

10 Q Have you had a chance to review Vega  
11 10?

12 A Yes, sir.

13 Q Have you seen this document before?

14 A Yes, sir.

15 Q Could you describe what it is?

16 A This document went from my  
17 commanding officer to the commanding officer of  
18 the Special Operations Division, and basically  
19 it delineated the results of our disorder  
20 control training conducted for the Occupy Wall  
21 Street movement.

22 Q Who was the commanding officer of  
23 the Special Operations Division?

24 A At that -- at that time 2011, it  
25 would be Chief Wheaton. Harry J. Wheaton.

1 JOSE VEGA

2 Q Who is it currently?

3 A Still Harry J. Wheaton.

4 Q Was Chief Wheaton the commanding  
5 officer of Special Operations Division all  
6 through 2004 to 2011?

7 A No.

8 Q At what point did he become the  
9 chief of Special Operations Division?

10 A He took over as chief of Special  
11 Operations Division, I believe, June or July of  
12 2011.

13 Q Is this a report summarizing  
14 disorder control training that had already  
15 occurred?

16 A Well, what this report summarizes is  
17 the training between November 7th and I see the  
18 date here December 9th that we conducted  
19 disorder control training for various units in  
20 the department to get them ready for the Occupy  
21 Wall Street movement.

22 Q This is a memo discussing training  
23 in disorder control conducted specifically for  
24 --

25 MR. STECKLOW: Withdrawn.

1 JOSE VEGA

2 Q This document summarizes training  
3 that Disorder Control gave to members of the  
4 service, specifically related to the Occupy Wall  
5 Street movement?

6 A Yes, sir.

7 Q And for the members of the service  
8 to properly police the Occupy Wall Street  
9 movement?

10 A I don't know about the properly  
11 police part. Our part was to get them ready for  
12 civil disobedience, civil disturbance,  
13 demonstrations and protests. So, that's what we  
14 conducted our training for.

15 Q Do all demonstrations and protests  
16 involve civil disobedience and civil disorder?

17 A No.

18 Q How would you distinguish that in  
19 the trainings to these members of the service?

20 A When we go over any training, we get  
21 them ready for what could be the worst thing.  
22 But we remind them that the stats say between  
23 95, 99 percent of the time, every protest  
24 nothing happens. We're getting you ready for  
25 that one to five percent in case something

1 JOSE VEGA

2 happens.

3 Q Did Disorder Control do any training  
4 for the other 95 percent of the protest times  
5 when people were not involved in civil  
6 disobedience?

7 A We conducted training before Occupy  
8 Wall Street and we've conducted after Occupy  
9 Wall Street, so obviously, we have.

10 Q The training that are summarized in  
11 this Vega 10 document that are related to Occupy  
12 Wall Street, did they identify trainings that  
13 were given for that other 95 percent when there  
14 wasn't civil disorder or civil disobedience?

15 A We went over the same -- we gave  
16 them the same exact training that everybody else  
17 got. What this document summarized was they  
18 brought in other units that were not Task Forces  
19 to get trained because they felt we needed more  
20 people in case we had large amounts of  
21 demonstrators and we didn't have enough Task  
22 Force people.

23 Q These were members of Patrol  
24 Services Bureau coming in?

25 A Some were Patrol Services. Some of

1 JOSE VEGA

2 them were specialized units.

3 Q Specialized units could mean Scooter  
4 Patrol?

5 A It could be scooter. It could be  
6 School Safety. It could be members assigned to  
7 the Organized Crime Control Bureau. It could  
8 also be people assigned to Counterterrorism or  
9 to, I believe, also One Police Plaza.

10 MR. STECKLOW: Let's look at  
11 School Safety for a second.

12 THE WITNESS: Okay.

13 Q What division or what bureau is  
14 School Safety?

15 A I think they're their own division.  
16 They formed a School Safety -- there's a School  
17 Safety Division that they fall under.

18 Q What was their normal job, the  
19 School Safety?

20 A Patrolling the schools and keeping  
21 them safe.

22 Q But they members of the NYPD?

23 A Yes, sir.

24 Q They go through recruit training and  
25 cadet training?

1 JOSE VEGA

2 A Yes. These members are normal NYPD  
3 police officers, but they are assigned to the  
4 School Safety Division.

5 Q According to this document, you  
6 trained 134 members of the School Safety  
7 Division?

8 A Yes, sir.

9 Q You trained 420 members of the  
10 Organized Crime Control --

11 A Organized Crime Control Bureau, yes,  
12 sir.

13 Q Sixty one members of the Detective  
14 Bureau?

15 A Yes, sir.

16 Q Three hundred seventy-five members  
17 of the One Police Plaza?

18 A Yes, sir.

19 Q Seventy members of Counterterrorism?

20 A Yes.

21 Q One hundred forty-three members of  
22 the Patrol Borough Bronx?

23 A Patrol Borough, Brooklyn North  
24 Impact.

25 Q And 143 members of that division?



1 JOSE VEGA

2 A Yes.

3 Q And 69 members of the Patrol Borough  
4 Bronx Impact?

5 A Yes, sir.

6 Q And 124 members of the Housing?

7 A Yes.

8 Q And 16 members of Patrol Borough  
9 Manhattan North Scooter Task Force?

10 A Yes, sir.

11 Q In this time period of November 7th  
12 through December 9th, 2011, Disorder Control  
13 trained 1,412 members of the service,  
14 specifically in relation to Occupy Wall Street?

15 A These people listed here, yes, those  
16 are the numbers we trained specified for that.

17 Q Were these mobile exercises or  
18 classroom training?

19 A They were all on the field.

20 Q Did you give any training to these  
21 1400 members of the service in disorderly  
22 conduct statute?

23 A No, the field training doesn't go  
24 over that.

25 Q Did you give them any training in

1 JOSE VEGA

2 relation to probable cause standards?

3 A No, sir.

4 Q Did you give them any training in  
5 First Amendment activity?

6 A No, sir.

7 Q Did you give them any training in  
8 sidewalk protest standards?

9 A No, sir.

10 MR. STECKLOW: I'm going to mark  
11 this one as Vega 11. I only have  
12 this one copy so we'll all have to  
13 look it over together.

14 (Whereupon, at this time, the  
15 above-mentioned 3/2/11 NYPD document  
16 was marked by the reporter as Vega's  
17 Exhibit 11, for identification, as  
18 of this date.)

19 MR. STECKLOW: Back on the  
20 record.

21 Q Have you had a chance to review  
22 what's been marked as Vega 11?

23 A Yes, sir.

24 Q What's that document?

25 A This is a document from the

1 JOSE VEGA

2 commanding officer, Disorder Control Unit, to  
3 the commanding officer of Special Operations.  
4 It was basically a summary of training  
5 conducted -- all the training that we conducted  
6 over, I believe, a two-or-three year period.

7 Q This was from March of 2011?

8 A Yes, sir.

9 Q Looking at number two in here, it  
10 identifies various types of trainings that took  
11 place?

12 A Yes, sir.

13 Q Which of those trainings were  
14 classroom trainings?

15 A Which were or were not?

16 Q Which were?

17 A The tabletop exercise is classroom  
18 training. Functional exercise is classroom  
19 training. The advanced COBRA refresher known as  
20 ACR is classroom training. Command post  
21 operations is classroom training and the unusual  
22 disorder plan is classroom training.

23 Q The tabletop exercises, did those  
24 involve First Amendment training?

25 A No, not that I'm aware.

1 JOSE VEGA

2 Q Did they involve training in the  
3 disorderly conduct statute?

4 A No.

5 Q Did they involve training in  
6 dispersal orders?

7 A No.

8 Q The next one that you said was  
9 classroom was the --

10 A Functional exercise.

11 Q Did the functional exercise involve  
12 First Amendment training?

13 A No.

14 Q Did it involve disorderly conduct  
15 statute training?

16 A No.

17 Q Did it involve any training in  
18 sidewalk protest?

19 A No.

20 Q What was next one?

21 A The next one was the advanced COBRA  
22 refresher.

23 Q Did the advanced COBRA refresher  
24 training involve First Amendment activity?

25 A No, sir.

1 JOSE VEGA

2 Q Did it involve standards of  
3 disorderly conduct statute?

4 A No, sir.

5 Q Did it involve sidewalk protest and  
6 how to properly police sidewalk protests?

7 A No, sir.

8 Q The next one that was classroom  
9 training was --

10 A The Command Post Operations.

11 Q Did the Command Post Operations  
12 involve First Amendment activity?

13 A No, sir.

14 Q Did the lecture on Command Post  
15 Operations involve any training in disorderly  
16 conduct statute?

17 A No, sir.

18 Q Did the instruction in classroom  
19 training in Command Post Operations involve any  
20 standards of proper policing of sidewalk  
21 protests?

22 A Not for the sidewalk protests, no.  
23 The last one Unusual Disorder Plan Training.

24 Q Did that involve classroom training?

25 A That's classroom training, yes, sir.

1 JOSE VEGA

2 Q Did that involve First Amendment  
3 training?

4 A No, sir.

5 Q Did that involve any instruction on  
6 the First Amendment whatsoever?

7 A Excuse me. No, sir.

8 Q Did it involve any instruction on  
9 disorderly conduct statute?

10 A No, sir.

11 Q Did it involve any instruction on  
12 proper and constitutional policing of sidewalk  
13 protests?

14 A Not for the sidewalk protest, no,  
15 sir.

16 Q This training included members of  
17 service of all ranks; correct?

18 A Yes, sir.

19 Q Not just the sergeants or  
20 lieutenants and sergeants and police officers;  
21 correct?

22 A Yes, sir.

23 Q But it included captains, deputy  
24 inspectors, inspectors and chiefs; correct?

25 A Yes, sir.

1 JOSE VEGA

2 Q This was a document summarizing how  
3 many officers were trained in these various  
4 exercises by Disorder Control between 2009 and  
5 2011?

6 A Yes, sir.

7 Q The total number of officers that  
8 came through these various trainings was 24,835?

9 A Yes, sir.

10 Q That included 22 chiefs?

11 A Yes.

12 Q And 29 inspectors?

13 A Yes.

14 Q And 37 deputy inspectors?

15 A Yes.

16 Q And 184 captains?

17 A Yes.

18 Q And 1,456 lieutenants?

19 A Yes.

20 Q And 3,402 sergeants?

21 A Yes.

22 Q And 18,352 police officers or  
23 detectives?

24 A Yes. This lists the people that  
25 were trained. The only flaw in this is if you

1 JOSE VEGA

2 have a chief who came to this training five  
3 times, he's counted five times. So, it doesn't  
4 mean there was 22 separate chiefs, that it just  
5 means that 22 members of service in the rank of  
6 chief came to -- to these numbers, it doesn't  
7 mean it was 1,800 individual officers. Some of  
8 them may have gone to multiple training  
9 exercises.

10 Q I think what you're saying is this  
11 doesn't mean when it says 22 chiefs, it doesn't  
12 mean that 22 distinct chiefs?

13 A Yes, sir.

14 Q It could be the same chief came five  
15 times and therefore it would count as five?

16 A Yes.

17 Q These numbers are just showing how  
18 many bodies of these ranks came through and had  
19 this training?

20 A Yes, sir.

21 Q Is this the entire summary of  
22 trainings that Disorder Control gave between  
23 2009 and 2011?

24 A On this document, this is the entire  
25 summary of trainings that we had conducted.



1 JOSE VEGA

2 Q There is no other training that  
3 Disorder Control gave in this timeframe that's  
4 not identified in this document?

5 A Not that I'm aware of.

6 MR. STECKLOW: I think the time  
7 is now 1:00 o'clock on the dot.  
8 We're going to take a one-hour lunch  
9 break and we'll all be back here at  
10 two P.M. I'm turning this off.

11 (Whereupon, at this time a lunch  
12 recess was taken.)

13 MR. STECKLOW: The time is now  
14 2:15. My name is Wylie Stecklow and  
15 we're in my office for the continued  
16 deposition of Sgt. Vega. All the  
17 same parties are in the room. Good  
18 afternoon, Sgt. Vega.

19 THE WITNESS: Good afternoon.

20 Q Do you know the acronym FURHOOD,  
21 F-U-R-H-O-O-D?

22 A Fort Hood?

23 Q FURHOOD, F-U-R-H-O-O-D.

24 A I'm not -- I don't know what that  
25 acronym stands for.

1 JOSE VEGA

2 MR. STECKLOW: Let's mark this as  
3 Vega 12.

4 (Whereupon, at this time, the  
5 above-mentioned Ten-page document  
6 was marked by the reporter as Vega's  
7 Exhibit 12, for identification, as  
8 of this date.)

9 MR. STECKLOW: Could I see that  
10 one for a second. The one she's not  
11 looking at.

12 Q Have you had a chance to look at  
13 what's been marked as Vega 12?

14 A Yes, sir.

15 Q Do you recognize this document?

16 A Yes.

17 Q What is this document?

18 A It's a maintaining public order  
19 document, and inside of it is a Power Point  
20 pertaining to disorderly conduct and loitering  
21 in public.

22 Q Is this a Power Point that is  
23 created and utilized by the Disorder Control  
24 Unit?

25 A No, sir, not to my recollection.

1 JOSE VEGA

2 I've ever used this.

3 Q You don't have any knowledge of the  
4 information contained in here?

5 A I understand what loitering is and I  
6 understand what disorderly conduct is, and for  
7 FURHOOD, I remember that acronym from the  
8 academy but I don't know exactly where the  
9 letters fall in when it comes to disorderly  
10 conduct.

11 Q FURHOOD is an acronym they use for  
12 disorderly conduct; is that correct?

13 A Yes, sir.

14 Q It's one they teach at the academy?

15 A Yes.

16 Q Do you know if they teach it  
17 anywhere else outside of the academy?

18 A Not that I'm aware of, sir.

19 Q Do you know if they utilize it in  
20 any refresher training?

21 A Like my unit or anyone else in the  
22 police department?

23 Q Yes.

24 A If anyone would utilize this, it  
25 would probably be someone in the Legal Bureau.

1 JOSE VEGA

2 Q Have you had any refresher training  
3 that included FURHOOD acronym?

4 A Yes, sir.

5 Q What was that?

6 A In 2004 the Legal Bureau was part of  
7 training people that came to train anyone other  
8 than working for Disorder Control for the  
9 Republican National Convention.

10 Q Did they go over the FURHOOD  
11 acronym?

12 A Yes.

13 Q And they went over First Amendment  
14 standards?

15 A Yes.

16 Q They went over standards for  
17 sidewalk protests?

18 A I'm not -- I don't remember if they  
19 went over that part.

20 Q But you attended that training?

21 A Yes, sir.

22 Q Was there a similar training in 2011  
23 at the beginning, middle or end of Occupy Wall  
24 Street?

25 A No, sir, not that I'm aware of.

1 JOSE VEGA

2 Q We looked before at one of the items  
3 that was the Disorder Control Training for  
4 Occupy Wall Street; correct?

5 A I think that could've been the last  
6 one that we had.

7 Q That document is specifically about  
8 Disorder Control Training for Occupy Wall  
9 Street; correct?

10 A Yes, sir.

11 Q The FURHOOD acronym was not utilized  
12 in that training; correct?

13 A No, sir.

14 Q There was no training by the Legal  
15 Bureau that you attended as part of the Occupy  
16 Wall Street training; correct?

17 A Well this day, no, sir.

18 Q For any date around Occupy Wall  
19 Street was there any training by the Legal  
20 Bureau for officers that were going to be  
21 policing Occupy Wall Street?

22 MS. ROBINSON: Objection. You  
23 can answer.

24 A No, sir. This training -- because  
25 the reape why they weren't there, this is all

1 JOSE VEGA

2 field training. So, when we do field training,  
3 it basically is line and wedge movements, mass  
4 arrest and high-profile arrests. Those are  
5 tactics to utilize on the field.

6 Q Was that the same tactic that was  
7 utilized during the 2004 Republican National  
8 Convention?

9 A Yes, sir.

10 Q In addition to the disorderly  
11 conduct and sidewalk protest tactic?

12 A Yes, sir.

13 Q You were trained in 2004 in these  
14 field tactics, as well as disorderly control and  
15 sidewalk protest issues; correct?

16 A Yes.

17 Q Did that same training occur at any  
18 point during Occupy Wall Street?

19 We know that the training occurred,  
20 as far as field tactics, but now I'm asking  
21 about the training regarding First Amendment  
22 protest activity and sidewalk protest standards?

23 A No. Disorder Control did not  
24 conduct any of this legality training.

25 MR. STECKLOW: I'm not asking

1 JOSE VEGA

2 about what Disorder Control  
3 training.

4 Q You're saying in 2004 you did not  
5 conduct that training but your participated in  
6 that training?

7 A Yes, sir.

8 Q I'm asking that same question for  
9 2011.

10 Was there training that you  
11 participated in that was related to sidewalk  
12 protest standards or First Amendment activity?

13 A No, sir.

14 MR. STECKLOW: Mark this as Vega  
15 13 for identification.

16 (Whereupon, at this time, the  
17 above-mentioned RNC guidelines was  
18 marked by the reporter as Vega's  
19 Exhibit 13, for identification, as  
20 of this date.)

21 MR. STECKLOW: I'm going to point  
22 you to page three and page four. I  
23 ask you to look at what's contained  
24 at the top of page three as under  
25 number three and the top of page

1 JOSE VEGA

2 four as under (a) Public Streets.

3 THE WITNESS: Okay. Thank you.

4 Q Have you had a chance to review  
5 those two sections of this document?

6 A Yes, sir.

7 Q Do you recognize this document?

8 A Yes, sir.

9 Q Is this the RNC guidelines that you  
10 referenced before that were created and utilized  
11 in training leading up to the Republican  
12 National Convention in 2004?

13 A Yes.

14 Q Did you receive it at that time, as  
15 part of your training?

16 A Yes, sir.

17 Q Do you see under number three it  
18 talks about "providing ample alternative means  
19 of communication to people who are protesting  
20 when there's going to be a time, place and  
21 manner restriction set in place;" is that  
22 accurate?

23 A Yes.

24 Q What does that means, as far as  
25 police officers policing a sidewalk protest?



1 JOSE VEGA

2 MS. ROBINSON: Are you asking him  
3 as Sgt. Vega or are you asking him  
4 on behalf of the City?

5 MR. STECKLOW: I'm asking him on  
6 behalf of disorder control training.

7 A This means that we must allow  
8 whatever the message is that they're going to  
9 protest we have to allow it, and if they can't  
10 get that message out there at that time, we have  
11 to allow them an alternative means like another  
12 way to get that message across. Like, if as an  
13 example, the best one would be, if they want to  
14 protest in the middle of the street because they  
15 need to be within sight and sound of the  
16 facility, but being in the middle of the street  
17 could be dangerous for them because they could  
18 be run over, we have to provide an alternative.  
19 We'll put you somewhere else where you can still  
20 get the message, they can still hear you, but  
21 you'd be safe from any vehicle -- you know, for  
22 public safety reasons.

23 Q Is that any training that's provided  
24 by Disorder Control?

25 A Disorder Control does not provide

1 JOSE VEGA

2 this training.

3 Q Did it provide in 2004?

4 A No, it was provided to us but we  
5 specifically did not do this training.

6 Q It was not provided by Disorder  
7 Control in 2011, at any time?

8 A No, sir.

9 Q Did Disorder Control get this type  
10 of training in 2011 during Occupy Wall Street?

11 A No, sir.

12 Q Looking at what's on page four as A,  
13 this identifies that "Demonstrations on streets  
14 may be restricted but any limitation imposed  
15 must be minimal and consistent with a concern  
16 for public safety;" is that accurate?

17 A Yes, sir.

18 Q Why is public safety an issue that  
19 is identified here when they're talking about  
20 the street or sidewalk protest?

21 A The public safety public issue part  
22 is -- you have the right to protest, but you  
23 can't take the street where a non-protester  
24 cannot get to work or cannot go to school or  
25 cannot just walk around. The same thing with a

1 JOSE VEGA

2 vehicle. You can protest if you want on the  
3 street but it has to be safe in a safe manner.  
4 We can't have you blocking traffic where a car  
5 could run you over or where vehicles cannot move  
6 whatsoever. So, we can restrict that. Like, if  
7 you wanted to march, we can speak with the  
8 organizer and tell you "We'll give you half the  
9 sidewalk and the other half belongs to people  
10 who are not protesting and maybe one lane of  
11 traffic so traffic can still drive, you can  
12 still get your part walk in the street but  
13 you'll be safe when it comes to that.

14 Q Is there a standard of a  
15 clear-and-present danger that is involved in  
16 this type of restriction?

17 MS. ROBINSON: Again, are you  
18 asking him as St. Vega or are you  
19 asking him on behalf of the City?

20 MR. STECKLOW: I'm asking him on  
21 behalf of the City as it related to  
22 disorder control training.

23 A Could you repeat that question? I'm  
24 sorry.

25 MR. STECKLOW: Sure.

1 JOSE VEGA

2 Q In the standard that you just went  
3 there about when protest can be restricted  
4 either on the street or on the sidewalk dealt a  
5 little bit with public safety?

6 A Yes, sir.

7 Q I'm asking if there's a standard of  
8 a clear-and-present danger rule that is part of  
9 that safety analysis and, if yes, if that's  
10 taught by Disorder Control?

11 A There is no set standard for that  
12 because all streets, all areas are different and  
13 fluid. So, you protesting on Wall Street on a  
14 Friday is not the same as protesting on a  
15 Sunday. A lot less traffic. A lot less people.  
16 So, the areas that we give you for public safety  
17 could be different. Depends on the time, the  
18 date and even if there's a holiday.

19 Q Specifically to the standard of  
20 clear-and-present danger, is that a term that  
21 you've heard of before?

22 A Yes.

23 Q Is that a term that you have been  
24 taught before?

25 A Yes.

1 JOSE VEGA

2 Q Where have you been taught that  
3 term?

4 A Any training that the Legal Bureau  
5 provided to us when it came to crowd control,  
6 civil disobedience, they went over the  
7 clear-and-present danger part.

8 Q Is that a standard that you then  
9 instructed at any Disorder Control training?

10 A I don't use that specific  
11 terminology when it comes to that.

12 Q Were you instructed with a different  
13 terminology?

14 A What I go over is the zones of  
15 safety, and I'll explain to them the zone of  
16 safety to protect the protestor and protect the  
17 public both at the same time.

18 Q Is that the same as what you were  
19 taught, as far as what the clear-and-present  
20 danger standard is?

21 A Yes.

22 Q The bottom of this paragraph that we  
23 were just reviewing, it talks about how "it  
24 would be almost impossible to justify a  
25 restriction that entirely prohibits a peaceful

1 JOSE VEGA

2 demonstration on public streets;" do you see  
3 that?

4 A Yes, sir.

5 Q Do you agree with that?

6 A Yes.

7 Q Have you been trained in that  
8 standard?

9 A Yes.

10 Q Where have you been trained in that  
11 standard?

12 A The Legal Bureau went over that with  
13 us, whenever they conducted a training with  
14 Disorder Control.

15 Q Is that a standard that you train at  
16 Disorder Control to the members of the service  
17 that come to Disorder Control for training?

18 A Yes, sir.

19 Q What setting do you give that  
20 training?

21 A Whenever we conduct the field  
22 training -- well, with the field training we're  
23 setting up line and wedge formations and a line  
24 formation would be to stop someone from going  
25 somewhere. So, we'll go over that. That only

1

JOSE VEGA

2 happens when we have to restrict someone from  
3 coming somewhere because of danger or because  
4 they're not supposed to be there. But for  
5 peaceful, if the people are peaceful and there's  
6 no danger, then we allow them a much more leeway  
7 as to what they want. In the last paragraph, if  
8 we have a hundred thousand people and it's  
9 peaceful, you can give them a lot more space  
10 than you would be on a crowd that you anticipate  
11 a problem.

12 Q On the zones of safety that you  
13 mentioned earlier, where does that term arise  
14 from?

15 A That's something that I've come up  
16 with over the years with my experience in  
17 providing crowd control training and in working  
18 details.

19 Q Is a zone of safety concerned with a  
20 threat to public disorder?

21 A Yes.

22 Q Can you explain how so?

23 A Well, the zone of safety, we want to  
24 provide a safe environment not just for the  
25 public that's not protesting but for the

JOSE VEGA

protesters themselves and for First Responders. If you have a block completely blocked off and vehicles can't get through, I've heard more than once told "But it's just traffic," and I understand that. But what if a fire truck can't get through to combat a fire or an ambulance can't get through for a sick person? Now we're endangering people. So, when we set up our zones of safety, it is to provide a safe haven for our protesters, a safe haven for our public and also a safe haven for responders to get through in order to conduct their jobs.

Q Is that zones of safety something that occurs at the beginning of protest, does it occur when there's a trigger in a protest?

When does that occur?

A It can occur -- it's a very fluid situation. It could occur in the planning of a protest. So, if you have something happening in a specific area, you have to plan for everything. Whether you have a lot of people, a little people, zones of safety, people going to work in vehicles, or it could be for a spontaneous protest that occurs then you have to



1 JOSE VEGA

2 look at the area. Every area is fluid and the  
3 geography can change from block to block,  
4 neighborhood to neighborhood and borough to  
5 borough.

6 Q Do you use any video in Disorder  
7 Control training?

8 A Yes, sir.

9 Q What type of video do you use?

10 A We usually use past incidents and  
11 those videos we can get them off of YouTube and  
12 we'll show like news clips of civil  
13 disobedience, civil disorder from around the  
14 world and also that occurs in America to explain  
15 to them -- the video will reinforce what we're  
16 trying to teach people.

17 Q Has that video changed between 2004  
18 and 2011?

19 A Yes.

20 Q How often is it updated?

21 A Whenever anything comes up new on  
22 YouTube. So, if you have had a riot that  
23 happened ten days ago somewhere and we conduct  
24 training, we can actually go to YouTube, which  
25 is an open source, and we can just show them

1 JOSE VEGA

2 what was happening there. So, whenever anything  
3 happens, we can update anything we want using  
4 YouTube without a problem.

5 Q Is there a specific data base or  
6 file that you have of various videos that you've  
7 used in disorder control training?

8 A There are some videos that we've  
9 kept on hand. There are times that we've taped  
10 ourselves during formations and then when we  
11 teach people we show them "This is what we want  
12 you to do when we do the formation," and it's  
13 just reinforcing our instruction.

14 Q The ones that you find on YouTube,  
15 do you save them in a file, as well?

16 A No. Those we just stream them  
17 through the Internet when we do our training.

18 Q How do you document which ones  
19 you're utilizing?

20 A We don't. If we keep something  
21 specifically, the name of the document and it  
22 will go down whenever we -- and we'll come for  
23 training, we would write down what kind of  
24 training they're getting. When it comes to  
25 video, we don't document it. It's like a

1 JOSE VEGA

2 current event. Today, there was a shooting in  
3 Maryland. So, tomorrow if I did active shooter  
4 training, I would access those videos that the  
5 news used to reinforce what I'm trying to teach.

6 Q In three months from now, if you  
7 wanted to look at that active Maryland shooter  
8 video, would you go back to YouTube for it or  
9 would you look for a note about where you found  
10 it?

11 A I would just go to YouTube.

12 Q How would you remember that, oh,  
13 yeah, that was the Maryland one that I wanted to  
14 look at?

15 A I would fall back on my memory and  
16 my training.

17 Q And your training being what?

18 A If I'm training an active shooter,  
19 then I know what is it that I'm going to show  
20 them. I wouldn't just forget oh, the Maryland  
21 shooting. Three months from now, I would know  
22 what that shooting is. As an instructor, I  
23 would remember that.

24 Q In 2011, what video did you use in  
25 training about sidewalk protest?

1 JOSE VEGA

2 A We always show the Battle in  
3 Seattle, the 1999 video to show how sidewalks  
4 and streets will be lost if the anarchists were  
5 allowed to run amok without being stopped.

6 Q Is that a video that you continue to  
7 show today?

8 A We still show it just to show --  
9 we'll show that and once, so people understand  
10 history, because the big thing when we teach our  
11 classes is that history will repeat itself. So,  
12 we'll show them that so they understand where  
13 modern protesting started and how it's evolved  
14 over time.

15 Q Do you utilize any videos from the  
16 Republican National Convention in 2004?

17 A We don't utilize because there  
18 really is not much on the RNC -- I'm sorry, on  
19 the Republican National Convention. There's not  
20 a lot of stuff there, so we rarely use anything  
21 from there.

22 Q Are you aware that there was  
23 multiple lawsuits brought against the City of  
24 New York regarding sidewalk protests at the  
25 Republican National Convention?

1 JOSE VEGA

2 A Yes, sir.

3 Q Have you looked at video underlying  
4 some of those lawsuits to see if there was  
5 anything there to utilize in the teaching of  
6 disorder control?

7 A I've not used any of the videos or  
8 seen any of the videos from what happened during  
9 the Republican National Convention.

10 Q Are you aware of the August 31, 2004  
11 Fulton Street protest at the Republican National  
12 Convention?

13 A Yes, sir.

14 Q Are you aware that there were  
15 multiple arrests made that day?

16 A Yes, sir.

17 Q Are you aware that there was a  
18 lawsuit brought pursuant to the multiple arrests  
19 made that day?

20 A Yes, sir.

21 Q Are you aware that a federal judge  
22 granted summary judgment to the protesters  
23 stating that they were unconstitutionally  
24 arrested on Fulton Street that day?

25 MS. ROBINSON: Objection.

1 JOSE VEGA

2 Outside the scope. You can answer.

3 A Yes, sir.

4 Q Have you looked at the video of  
5 those arrests to see if there's any use Disorder  
6 Control could make with that video in training?

7 A No, I have not used or looked at any  
8 of those videos.

9 Q Has Disorder Control updated its  
10 curriculum or training, at all, based on that  
11 decision from the federal judge regarding the  
12 August 31st, 2004 Fulton Street arrests at the  
13 RNC?

14 A Yes, we have.

15 Q How have you updated your training?

16 A One of the major updates was during  
17 that incident, the incident commander in charge  
18 of that area, they utilized the orange barrier  
19 mesh in a way that's not consistent in how we  
20 always used it. So, that was one of the changes  
21 we made to our lesson plans.

22 Q Is there any other change made,  
23 other than how the orange barrier mesh was used?

24 A The other change was there's a word  
25 called "kettling" and that's a tactic that was

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2 taught in the '80s and '90s throughout America.  
3 The deal was that you would funnel the  
4 protestors into an area in which you could  
5 control it easier and then you made your  
6 arrests. That was removed because one of the  
7 big reasons is you forced people into an area  
8 and it makes it more dangerous. So, the idea is  
9 don't force people somewhere into a tighter  
10 area. You want to work in a larger area. So,  
11 kettling was another change that was made.

12 Q Was there any other change made to  
13 how Disorder Control trained, based on the  
14 arrests at Fulton Street on August 31st, 2004?

15 A No, sir.

16 Q You previously testified that in  
17 anticipation of today's deposition you observed  
18 a video and you identified a Bronx incident or  
19 something to that effect; is that accurate?

20 A Yes, sir.

21 Q Were you aware that multiple elected  
22 officials had written complaints to the NYPD,  
23 concerning the police conduct of that day?

24 A That I was not aware of, sir.

25 Q But you watched that video; correct?

1 JOSE VEGA

2 A Yes, sir.

3 Q How long was that video?

4 A The part I saw, I think, was 12 to  
5 13 minutes, in total, I believe.

6 Q Did you watch all of it?

7 A Yes, sir.

8 Q How many times.

9 A Once.

10 Q What was your understanding of the  
11 police conduct that you saw on that video?

12 A Conduct in what way? How they acted  
13 or what they did, their actions?

14 Q Yes.

15 A It's hard to quantify what was done  
16 on a video because, number one, I wasn't there  
17 and number two, I don't know what the sidewalk  
18 or what the actions were of the people before  
19 the police was close. In the video, there's a  
20 part, as with the executive speaking to the lady  
21 in charge, they have closed tables up against  
22 the fence. Now, I don't know whether those  
23 tables were opened before the police came and  
24 then were closed once they showed up. So, it's  
25 hard to give opinion on a video that doesn't



1 JOSE VEGA

2 show the actions before we showed up.

3 Q So, you don't have an opinion on  
4 whether the police conduct that day was proper  
5 or improper?

6 A I can't give a good opinion because  
7 I have to see everything and not just the parts  
8 that you showed to me.

9 Q Do you have an opinion of whether or  
10 not the police conduct in arresting individuals  
11 in the video that you observed comported with  
12 the training of Disorder Control?

13 A Once again, I can't answer that  
14 correctly. I don't know what the actions were  
15 of the individuals being arrested before we  
16 showed up.

17 Q But you were able to see 12 minutes  
18 of action; correct?

19 A Yes.

20 Q And you could see 12 minutes of  
21 conduct; correct?

22 A Yes.

23 Q And you didn't see arrests in the  
24 first minute; correct?

25 A No.

1 JOSE VEGA

2 Q You saw arrests after a few minutes;  
3 correct?

4 A Yes.

5 Q People were being told to disperse  
6 and walk and they started marching around the  
7 block; correct?

8 A Yes.

9 Q And then people were arrested in  
10 that moment; correct?

11 A Yes.

12 Q Did you see anything on the video  
13 that you could see that was occurring that would  
14 give probable cause to the officers to make  
15 those arrests?

16 MS. ROBINSON: Objection. You  
17 can answer.

18 A Again, I really can't say because  
19 I'm seeing their angle of the video. So, it's  
20 hard for me to give -- I can't give a proper  
21 answer when I'm only seeing their angle, and I  
22 don't know what they were doing when we showed  
23 up. The police are called somewhere and the  
24 person's conduct stops. Where we have proof to  
25 show that they were doing something improper,

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2 then they'll be arrested. But the video would  
3 show that at that time they weren't doing  
4 something. The video can be shown to show  
5 anything.

6 Q You've previously testified that for  
7 disorderly conduct arrest, the officer has to  
8 see the conduct; correct?

9 A It has to be in their presence.

10 Q Was there anything you could see in  
11 the video that would give you, as a person  
12 watching, sufficient knowledge of probable cause  
13 to make an arrest for disorderly conduct?

14 A I can't answer that properly because  
15 I'm looking at the video and if I was there  
16 live, depending on what angle, if you're on one  
17 side of the angle you could see something. If  
18 you're on another angle, you may not see  
19 nothing. So, I never will give an opinion on a  
20 video that someone shot. I'd have to be there.

21 Q Did you see any pedestrians being  
22 blocked in the video?

23 A I didn't see in that video, at that  
24 time, a pedestrian being block. But I don't  
25 know what occurred before the video was shot.

1 JOSE VEGA

2 Q Is it unlawful for people to have a  
3 table on a sidewalk?

4 A It depends. There are rules and  
5 regulations in place of where you can place a  
6 table, how far it has to be from a corner, how  
7 far from a business. It depends on where they  
8 are and what is on that block.

9 Q Was there any business that was  
10 visible in the video on that block or was it an  
11 empty lot around the fence?

12 A From the angle I saw it, it looks  
13 like there was an empty lot on that fence.

14 Q Are people allowed in First  
15 Amendment activity to set up a table on a  
16 sidewalk on a block that's surrounding an empty  
17 lot?

18 MS. ROBINSON: Objection. You  
19 can answer, if you know.

20 A I'm not sure of the answer. But  
21 odds are good that they can, as long as it  
22 doesn't block. But like I mentioned earlier,  
23 the tables were closed when I saw the video.

24 Q You never saw the tables blocking  
25 anything; correct?

1 JOSE VEGA

2 A The closed tables or the open  
3 tables?

4 Q Did you see open tables?

5 A On that part of the video, there was  
6 nothing open. But, like I said, I would like to  
7 see the whole video from when the incident  
8 begins not from when they decide to start to  
9 take it.

10 MR. STECKLOW: I'm asking you  
11 specific questions. I'd appreciate  
12 you trying to answer the specific  
13 question that I'm asking and not in  
14 a different way or not a question  
15 that you're hoping I would ask for.

16 THE WITNESS: Okay.

17 MR. STECKLOW: I'm not asking  
18 about what happened 20 minutes  
19 before.

20 Q Do you know what happened 20 minutes  
21 before the video started?

22 A Absolutely not.

23 Q So all we know is what we can see on  
24 the video; right?

25 A Yes.

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MR. STECKLOW: All I'm asking questions about is what do you see on the video, not about what may or may not have happened 20 minutes before.

Q Did you see any open table on the video?

A On the video I saw, there are no open tables.

Q I'm asking you that question, and it's a simple answer, no, there's no open tables; can we agree to that?

A Sure. Yes.

Q Did you see any tables blocking the sidewalk on the video?

A No.

Q Did you see any reason or probable cause for arrest of individuals on the video?

A On the video, I saw no reason.

Q Did the conduct that you could see on the video of the police and how they interacted with the protesters comport with the training given at Disorder Control?

MS. ROBINSON: Objection. You

1 JOSE VEGA

2 can answer.

3 A I saw no misconduct from the  
4 officers, so everything they did seemed to be  
5 correct.

6 Q The arrests that you saw that they  
7 made comported with the training given at  
8 Disorder Control?

9 A The mass arrest training that we  
10 give that comported to what was being done on  
11 the video.

12 MR. STECKLOW: Let's mark this as  
13 Vega 14.

14 (Whereupon, at this time, the  
15 above-mentioned Training memo was  
16 marked by the reporter as Vega's  
17 Exhibit 14, for identification, as  
18 of this date.)

19 MR. STECKLOW: Mark this as Vega  
20 15.

21 (Whereupon, at this time, the  
22 above-mentioned 4/1/12 e-mail was  
23 marked by the reporter as Vega's  
24 Exhibit 15, for identification, as  
25 of this date.)

1 JOSE VEGA

2 Q Have you had a chance to look at  
3 what is marked Vega 15?

4 A Yes, sir.

5 Q Have you seen this before?

6 A I saw it when I was reviewing the  
7 paperwork for here, but I didn't see it when  
8 this originally came out.

9 Q This talks about impact lectures for  
10 captains and lieutenants?

11 A Yes, sir.

12 Q It was given by Disorder Control?

13 A Yes, sir.

14 Q It was given in March of 2012?

15 A I don't think see the date March  
16 2012. I see it says April 4th was the last  
17 session.

18 Q I'm looking at the e-mail section  
19 from below from Raganella, Saturday, March 31st.

20 A Yes.

21 Q You're copied on that; correct?

22 A Yes.

23 Q What is an impact lecture?

24 A Well, the -- it's not a lecture.  
25 What happened is the NYPD for I forget how long



1 JOSE VEGA

2 set up impact zones throughout the city. Those  
3 are high-crime zone. So, when police officers  
4 left the academy, they're sent to an impact  
5 zone. There were lieutenants and captains who  
6 were in charge of those impact zones. So, those  
7 captains and lieutenants from the impact zones  
8 were sent to Disorder Control for training.

9 Q What type of training did they  
10 receive?

11 A According to this e-mail, they  
12 received crowd control training and protocol for  
13 crowd control training, what the patrol borough  
14 Task Forces can do, along with mass arrest  
15 theories, the protocols of mass arrests and  
16 legalities for supervisors.

17 Q This is Disorder Control training or  
18 is it some other type of training?

19 A Other type of training pertaining to  
20 Disorder Control.

21 Q Was this training conducted by  
22 Disorder Control or by others?

23 A It was conduct by the Disorder  
24 Control Unit, yes.

25 Q This was lieutenants and captains?

1 JOSE VEGA

2 A Yes, sir.

3 Q Where was it given?

4 A This was given at the Disorder  
5 Control base which was the old Bronx Task Force  
6 base in the Bronx.

7 Q What type of materials were used in  
8 this lecture?

9 A This is classroom lecture. So, if  
10 it's classroom lecture, it's all Power Points.

11 Q Were there any handouts that were  
12 part of this?

13 A Not that I know of.

14 Q Do you know if disorderly conduct  
15 standards were reviewed, as part of this  
16 training?

17 A Not that I know of because anything  
18 with these executives was conducted by the CO.  
19 I did not conduct this training.

20 MR. STECKLOW: Let's look at what  
21 has been marked as Exhibit 14. Take  
22 a look at it.

23 Q Have you ever seen this document  
24 before?

25 A Yes, sir.

1 JOSE VEGA

2 Q When did you see this document?

3 A I saw it when I was reviewing the  
4 documents for this deposition.

5 Q Did you say it, at any time prior to  
6 that?

7 A I don't recall seeing this before  
8 this.

9 Q Was the information in this document  
10 incorporated into Disorder Control training?

11 A We didn't incorporate it into our  
12 training.

13 Q Did anyone else incorporate it into  
14 Disorder Control training?

15 A Yes, sir.

16 Q Who was that?

17 A Lt. Albano from the Legal Division.  
18 Whenever we needed anything done when it come to  
19 legalities, he was the person who would teach  
20 that.

21 Q Did he teach this information at  
22 Disorder Control training?

23 A Whenever we needed him, yes, he  
24 would.

25 Q In 2004 to 2011, when did he do

1 JOSE VEGA

2 that?

3 A 2004 he did it for the Republican  
4 National Convention and then whenever Commanding  
5 Officer Anthony Raganella conducted any Disorder  
6 Control training when he went over legalities  
7 for executives, Lt. Albano would help him with  
8 that.

9 Q This item is dated December 2007;  
10 correct?

11 A Yes, sir.

12 Q I think we can agreed that Lt.  
13 Albano did not train on this in 2004 for the  
14 RNC; correct?

15 A Yes, sir.

16 Q From December of 2007 to September  
17 30th, 2012, can you tell me the dates upon which  
18 Lt. Albano instructed on this at Disorder  
19 Control.

20 A I don't know the dates because I was  
21 not present. Whenever there was legality  
22 training, I was not present for that. I mostly  
23 conducted all of our field training.

24 Q If you were not present at the  
25 legality training, how are you sure that this

1 JOSE VEGA

2 specific information was trained on?

3 A Because he went over disorderly  
4 conduct, and anything with disorderly conduct  
5 would come from documents like this.

6 Q Are you doing this from firsthand  
7 knowledge or are you doing this just from logic  
8 and you think because this is disorderly conduct  
9 information and he was training on disorderly  
10 conduct, he must have been training on this?

11 A It would come from logic because  
12 this is a training memo that came up from the  
13 police academy. So, all the training memos are  
14 circulated among all the training units. So, it  
15 would be very remiss for someone to conduct  
16 training without using the training memo that is  
17 specified to use.

18 Q But you don't have any firsthand  
19 knowledge that this was actually utilized in  
20 such a manner as you described it?

21 A By Lt. Albano, no, sir, no firsthand  
22 knowledge.

23 Q You don't have any firsthand  
24 knowledge of Lt. Albano or anyone else; correct?

25 A No, sir.

1 JOSE VEGA

2 MR. STECKLOW: Let's mark this  
3 one as Vega 16.

4 (Whereupon, at this time, the  
5 above-mentioned 9/12/12 e-mail was  
6 marked by the reporter as Vega's  
7 Exhibit 16, for identification, as  
8 of this date.)

9 Q Have you had a chance to review what  
10 was marked Vega 16?

11 A Yes, sir.

12 Q Have you seen this item before?

13 A Yes.

14 Q When was the first time that you saw  
15 it?

16 A I -- when I sent this e-mail was the  
17 first time I sent it because I actually sent  
18 this e-mail to my commanding officer.

19 Q This concerned Disorder Control  
20 coverage from September 14th to September 17,  
21 2012 for Occupy Wall Street?

22 A Yes, sir.

23 Q Do you see that there's certain  
24 aspects that are redacted; correct?

25 A Yes, sir.

1 JOSE VEGA

2 Q The first thing that's redacted  
3 seems like it would be the phone number for  
4 Captain Raganella?

5 A Yes.

6 Q And then your entire message, he was  
7 a captain, at the time?

8 A Yes, sir.

9 Q Your entire message to Captain  
10 Raganella was redacted; correct?

11 A Yes, there's nothing there so it's  
12 redacted completely.

13 Q Do you recall what you wrote there?

14 MS. ROBINSON: Objection. I'm  
15 going to direct the witness not to  
16 answer.

17 MR. STECKLOW: Can you direct him  
18 to answer whether he recalls what  
19 was there? I'm not asking what was  
20 there yet. I asked if he recalls.

21 MS. ROBINSON: You can answer.

22 A I recall, yes.

23 Q Did it involve Occupy Wall Street?

24 A Yes.

25 Q Was it a personal matter?

1 JOSE VEGA

2 A No.

3 Q Was it a police matter concerning  
4 the number of units or training units to be  
5 supplied at Occupy Wall Street?

6 A It was -- this pertained to our  
7 coverage. So, not the outside units but what  
8 DCU's coverage would be for that time period  
9 listed in the attachment.

10 Q When you talk about DCU'S coverage  
11 would be, do you mean by training or just to  
12 have specific officers at locations?

13 A It's the specific officers and  
14 the -- excuse me, the specific equipment that  
15 would be at the location.

16 Q So, the number of officers, the  
17 types of equipment that would be at the  
18 location, that was the information that's been  
19 redacted?

20 A And the other thing, whenever we sub  
21 any coverage, it would have the officers' names,  
22 the vehicle number and probably the contact  
23 information. So, that's probably what's  
24 redacted here which is the vehicle numbers  
25 which are tactical vehicles and if you know the



1 JOSE VEGA

2 tactical number, you know what equipment is in  
3 there. So, we try to keep, you know, the laymen  
4 shouldn't know, and the phone numbers of the  
5 officers assigned.

6 Q There's not hundreds of officers in  
7 Disorder Control but there's only a handful;  
8 correct?

9 A Yes, sir.

10 Q So, it could be somewhere between  
11 one and ten names that were there?

12 A At the time working, we probably had  
13 about 12 people, in total. So, it could be  
14 anything between two to 12 because no one works  
15 by themselves.

16 MS. ROBINSON: If you have a  
17 Bates number for this, we can review  
18 the redactions because I don't see  
19 why it's redacted.

20 MR. STECKLOW: I don't know why.  
21 I think I asked about it and I don't  
22 know the Bates are not printed on  
23 this. But I do have the Bates  
24 number for it.

25 MS. ROBINSON: Then just send me

1 JOSE VEGA

2 an e-mail and we can revisit that.

3 Q Between 2004 and 2011, were there  
4 any changes or updates to Disorder Control  
5 training based on changes of law?

6 A Not that I'm aware of. Not with  
7 changes of law.

8 Q Was there any changes or update to  
9 Disorder Control Training between 2004 and 2011  
10 based on case law interpretation of statutes?

11 A No, sir, not that I'm aware of  
12 either.

13 MR. STECKLOW: The time is now  
14 3:00 o'clock. We are going to take  
15 a short break.

16 (Whereupon, at this time a brief  
17 recess was taken.)

18 MR. STECKLOW: Mark this as Vega  
19 17.

20 (Whereupon, at this time, the  
21 above-mentioned 3/8/12 e-mail was  
22 marked by the reporter as Vega's  
23 Exhibit 17, for identification, as  
24 of this date.)

25 MR. STECKLOW: I will make a

1 JOSE VEGA

2 written record, as well. We're  
3 going to request a copy of the video  
4 utilized that is, for lack of a  
5 better term, the Battle in Seattle  
6 utilized in the DCU training.

7 MS. ROBINSON: Noted.

8 Q Looking at what was marked Vega 17,  
9 do you recognize this document?

10 A Yes, sir.

11 Q What is this document?

12 A It's an e-mail from my old  
13 commanding officer, Anthony Raganella, to all  
14 the Task Force commanding officers. The e-mail  
15 basically the subject was he had come from a  
16 preplanning meeting for May Day and he wanted to  
17 go over what the meeting was about and to  
18 explain to everybody about the use of shields in  
19 case things get bad and not to forget their  
20 training.

21 Q Does Raganella quote Chief Esposito  
22 in this e-mail?

23 A Yes. The quote the exact words were  
24 "Train, train, train especially with the  
25 shields."

1 JOSE VEGA

2 Q Due to these instructions or orders  
3 from Chief Esposito, was there significant  
4 Disorder Control training that was undertaken  
5 with the Task Force?

6 A We didn't do any extra training. We  
7 just continued doing the same training we would  
8 always do.

9 Q The volume of training did not  
10 increase from this point, in anticipation of the  
11 May 1st protest?

12 A No, sir.

13 Q Did the type of training change?

14 A The context did change, yes, sir.  
15 We added a shield component, how to use -- how  
16 to best use a shield.

17 Q Do you have any idea how many  
18 members of the service were trained by DCU  
19 between March 8th and May 1st of 2012?

20 A No, sir.

21 Q Was there any change to the Disorder  
22 Control training, due to this message, in  
23 updated training on First Amendment activity?

24 A No, sir.

25 Q Was there any change or update in

1 JOSE VEGA

2 Disorder Control training, due this to memo, in  
3 disorderly conduct statute training?

4 A No, sir.

5 Q Was there training or updates to  
6 Disorder Control training --

7 MR. STECKLOW: Withdrawn.

8 Q Was there any change or update to  
9 Disorder Control training between March 2012 and  
10 May 1st, 2012 in sidewalk protest standards at  
11 Disorder Control?

12 A No, sir.

13 MR. STECKLOW: Mark this as Vega  
14 18.

15 (Whereupon, at this time, the  
16 above-mentioned 9/16/10 e-mail was  
17 marked by the reporter as Vega's  
18 Exhibit 18, for identification, as  
19 of this date.)

20 MR. STECKLOW: I'll show you what  
21 was marked Vega 18. I ask you to  
22 take a second to look at it and let  
23 me know when you have.

24 While we have a second, let's  
25 mark the first one is 19 and the

1 JOSE VEGA

2 second one is 20.

3 (Whereupon, at this time, the  
4 above-mentioned Mass arrest document  
5 was marked by the reporter as Vega's  
6 Exhibit 19, for identification, as  
7 of this date.)

8 (Whereupon, at this time, the  
9 above-mentioned Police omnipresence  
10 document was marked by the reporter  
11 as Vega's Exhibit 20, for  
12 identification, as of this date.)

13 MS. ROBINSON: Can we go off the  
14 record a second?

15 MR. STECKLOW: Yeah.

16 (Discussion held off the  
17 record.)

18 Q Let me show you what was marked as  
19 Vega Exhibit 18.

20 Have you had a chance to review what  
21 was marked as Vega 18?

22 A Yes, sir.

23 Q Do you recognize this document?

24 A I never seen this document before.

25 This is the first time I've actually seen it.

1 JOSE VEGA

2 Q Do you see on the first page of this  
3 document is an e-mail?

4 A Yes, sir.

5 Q Do you understand who this e-mail  
6 was from, who it's to and what it's in reference  
7 to?

8 A It is in reference to training for  
9 the recruit training school. It's about  
10 resisting arrest information and what they talk  
11 about is they're going to be adding that to the  
12 arrest plan of the Intac cycle.

13 Q This is going to be added to the  
14 recruit training?

15 A Yes, sir.

16 Q The Intac cycle you previously  
17 explained was a recruit training?

18 A The recruit training is one thing.  
19 The Intac cycle is for officers that are no  
20 longer in the police academy. They're regular  
21 officers on patrol and this is their in-service  
22 training they go to twice a year.

23 Q They go to it at the academy?

24 A Sometimes it's at the academy.  
25 Sometimes it's at the range. It depends on what

1 JOSE VEGA

2 type of training they're going to do and then  
3 they have the location.

4 MR. STECKLOW: We're going to  
5 make a request, I presume we have  
6 this already, but for any and all  
7 materials of Intac training  
8 regarding First Amendment activity,  
9 protest activity, disorderly conduct  
10 statutes and dispersal orders.

11 MS. ROBINSON: Noted.

12 Q Did you receive Intac training  
13 individually?

14 A I have received it in the past.

15 Q Did you receive this training that's  
16 identified by Vega 18 as part of your Intac  
17 training?

18 A No, sir.

19 Q Have you received Intac training,  
20 since 2010?

21 A No, sir.

22 Q Let's look at Vega 19.  
23 Have you seen this before?

24 A Yes, sir.

25 Q What is this?



1 JOSE VEGA

2 A This is one of the slides from a  
3 Power Point that Disorder Control uses for mass  
4 arrest training.

5 Q Previously, you testified that the  
6 training is given involves the five percent of  
7 protests that result in riot or violence;  
8 correct?

9 A Yes, sir.

10 Q When it's talking about on this  
11 document mass arrest versus riot, is that part  
12 of the 95 percent of protest that you don't do  
13 the training or the five percent of protests  
14 that you do do the training on?

15 A What I said before was it's not that  
16 there's 95 percent we don't train. What I said  
17 was, and I'm sorry if I didn't make it clear,  
18 the percentage of protests that become bad is  
19 between five percent to one percent. The  
20 various amounts -- 95 percent of protests  
21 history has shown do not become riotous, do not  
22 become dangerous. That's what I meant. Not  
23 that 95 percent of the time we don't train.

24 Q For this mass arrest versus riot, is  
25 that part of the two to five percent or the 95

1 JOSE VEGA

2 percent?

3 A This is part of the overall training  
4 that we give them. I don't understand what you  
5 mean by two to five or 95.

6 Q You identified that 95 percent of  
7 protests are good?

8 A Yes.

9 Q Or don't become violent, don't have  
10 disorder and only two to five percent become  
11 riotous or have disorder; correct?

12 A Yes. Yes.

13 Q I've asking if this slide of mass  
14 arrest versus riot encompasses a hundred percent  
15 of the protests, the two to five percent that  
16 you discussed become riotous or disorderly, or  
17 the 95 percent that don't?

18 A This would encompass the 100 percent  
19 of protest that a person would go to.

20 Q Where on hear is it discussed the  
21 nonviolent protest?

22 A This one slide doesn't discuss that.  
23 All this slide says is if you have a mass arrest  
24 situation, these are people that want to get  
25 arrested, you go nice and slow because you're

1 JOSE VEGA

2 not going to have no issues. If you have a riot  
3 and you don't go slow, you have to address that  
4 issue quickly. That's all this slide says.

5 Q What is the situation when you have  
6 a group of protesters on a sidewalk engaging in  
7 First Amendment activity, who do not want to get  
8 arrested but yet the police are telling them  
9 they must disperse or they will get arrested or  
10 something like that, how does that play in to  
11 the mass arrest versus riot?

12 A We don't discuss any of that.  
13 This -- excuse me. This Power Point that we  
14 teach, it is taught for when people want to get  
15 arrested. So, it's a tactic that we teach so we  
16 go over it. We're don't -- we're not going to  
17 teach a tactic for people that don't want to get  
18 arrested. This is a tactic we teach for people  
19 that want to get arrested so we can safely  
20 extricate them from one location to another and  
21 as quickly and safety and as efficiently as  
22 possible.

23 Q Going back to the percentages that  
24 you raised earlier that I'm trying to  
25 understand, in the two to five percent of

1 JOSE VEGA

2 protests, does that include this mass arrest  
3 situation where demonstrators want to be  
4 arrested but are passive?

5 A No. The two to five percent are --  
6 that's a percentage that the FBI did a study  
7 many years ago based on a book written by a man  
8 named Raphael Mumbasi, and he mentioned that he  
9 studied riots throughout history and said that  
10 five percent of them will probably become  
11 violent and the other 95 will not. So, that's  
12 where we get that stat from.

13 Q That's discussing riots?

14 A That's discussing demonstrations.  
15 95 percent of them will be passive, no issue  
16 whatsoever. Five percent of them have the  
17 chance to become very, very riotous.

18 MR. STECKLOW: Let's look at what  
19 was marked as Vega 20.

20 Q Have you had a chance to review  
21 that?

22 A Yes, sir. I'm good.

23 Q Do you recognize this document?

24 A Yes, sir.

25 Q What is this?

1 JOSE VEGA

2 A This is our -- one page from a Power  
3 Point from -- the Power Point is -- it is force  
4 multipliers. That's the name of the Power Point  
5 and this is one of the slides there.

6 Q Does this talk about the initial  
7 approach of the police into a disordered  
8 situation?

9 A Yes. What this slide is part one  
10 and this teaches the different levels of force.  
11 Number one being police omnipresence. That's  
12 the first level of force that's present. Any  
13 time the police show up, omnipresence is the  
14 first use of force that occurs.

15 Q By omnipresence, what does that  
16 mean?

17 A Someone just standing there. Like,  
18 can be there in uniform standing in front of  
19 people, that's omnipresence, right there.

20 Q Is a single officer present by  
21 himself considered omnipresence?

22 A Yes, because if you have a large  
23 group doing something and there was no police  
24 there, there's no police there. But one officer  
25 starts to create omnipresence and that law is

1 JOSE VEGA

2 present, at the time.

3 Q The first bullet point here talk  
4 about both demonstrations and disorders;  
5 correct?

6 A Yes, sir.

7 Q Does that get us to that hundred  
8 percent of activity, rather than five percent  
9 and 95 percent?

10 A Yes, sir.

11 Q And two to five percent is what you  
12 were talking about before about what become  
13 disorder and 95 percent of demonstrations do not  
14 become disorder?

15 A The two to five percent will be  
16 violent disorder is what we consider a riot.  
17 The other 95 percent will be the demonstrations  
18 not disorder.

19 Q This is talking about police  
20 omnipresence for both demonstrations and  
21 disorders as one; correct?

22 A Yes, sir.

23 Q That the second one discusses how  
24 people react to a police presence or simply says  
25 that; correct?

1 JOSE VEGA

2 A Yes, sir.

3 Q The third one talks about a team  
4 approach.

5 What is a team approach?

6 A If you work together as a team  
7 instead of as a single individual, if you  
8 have -- you have a crowd and you have one  
9 individual attempting to control the crowd, a  
10 little difficult. If you come in as a team, the  
11 numbers start to favor you. It's a lot easier  
12 to deal with a crowd when you have a lot of  
13 police officers compared to just one and you  
14 have to work together as a team.

15 Q That's for both demonstrations that  
16 are peaceful, as well as disorders and violent  
17 riots?

18 A Yes, sir.

19 Q This indicates -- could you read  
20 what the third bullet point is?

21 A "Team approach intimidates a crowd  
22 and reduces the need for force."

23 Q That is a training item that's  
24 trained to officers of how to deal with both  
25 demonstrations and disorders; correct?

1 JOSE VEGA

2 A Yes, sir.

3 MR. STECKLOW: Let's go off the  
4 record.

5 (Discussion held off the  
6 record.)

7 Q Does Disorder Control do training on  
8 sit-in type protests?

9 A Yes, sir.

10 Q What's the training that's given  
11 concerning sit-in type protests?

12 A For the scenario that you describe  
13 about sit-in type protests, that is part of our  
14 mass arrest training. For the sit-in protests  
15 and the mass areas, it's in conduction, we show  
16 them what to do when a person is sitting in  
17 somewhere and how to safely and easily remove  
18 them from the situation.

19 MR. STECKLOW: Let's mark this as  
20 Vega 21.

21 (Whereupon, at this time, the  
22 above-mentioned Sit-in arrest  
23 document was marked by the reporter  
24 as Vega's Exhibit 21, for  
25 identification, as of this date.)



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MR. STECKLOW: Back on the  
record.

Q Have you seen document 21 before?

A Yes, sir.

Q What is document 21?

A This is part of a Power Point that  
Disorder Control Unit teaches pertaining to mass  
arrests.

Q Is this a specific subset of that  
Power Point specifically about protestor sit-in  
type of arrests?

A Yes, sir.

Q What is the training that's given by  
Disorder Control about how to handle a protester  
sit-in type of arrest?

A What we go over is, first of all, we  
surround the individual. It's always eight  
officers and one person being arrested. We do  
for safety reasons for ourselves and safety for  
the protester. Then we explain to them how to  
get the person out. One of the first things we  
tell them is ask the protester "Do you want to  
walk out," and when they walk out 95 percent of  
the way down. If not, there's a way to carry

1 JOSE VEGA

2 out that individual or bring him out on his  
3 heels.

4 Q Is there instruction here about what  
5 to do, prior to making a determination the  
6 person is actually under arrest?

7 A Yes. I don't see that part in here.  
8 But in the Power Point, we go over the equipment  
9 that you have, and then prior to the arrest  
10 being ordered, there is instruction given on  
11 what you should catalog in your memo book and  
12 then there's in the Power Point itself, there's  
13 two sample warnings. It says "sample warnings."  
14 There's an example of the warnings that are  
15 given before the arrest is carried out.

16 Q Be as specific as you can about the  
17 type of training given that if an individual is  
18 sitting on a sidewalk during a protest, how the  
19 officers are supposed to conduct themselves  
20 before, during and after making an arrest?

21 A Okay. If an individual is sitting  
22 on a sidewalk and is determined that he's going  
23 to be placed under arrest because he's blocking  
24 the sidewalk and people can't pass, we tell the  
25 officers the first thing before you do anything,

JOSE VEGA

1  
2 make sure you've got all your equipment first  
3 because once we start arresting people we don't  
4 want to stop because it looks inefficient. So  
5 make sure you have all your equipment first.  
6 Number two, make you see what is occurring.  
7 Afterwards you tell them the incident commander  
8 or someone who designates will explain to the  
9 people what they're doing incorrect, read them  
10 the warnings and give them a specific time to  
11 vacate the area or they'll be place under  
12 arrest. All that is told to the officers who  
13 catalog that in their memo book. Afterwards, if  
14 the people do not comply, then we'll explain to  
15 them "Now you'll be placed under arrest." We  
16 tell them what they're being arrested for, and  
17 then the officers have been instructed to arrest  
18 them, and then the training of the eight  
19 officers will surround that one person to go to  
20 the front to ensure that no one goes and attacks  
21 us from the front. The next two officers are  
22 always our arresting officers. The next two  
23 will flank the sides and the last two will watch  
24 the rear, and then they will bring that person  
25 out. We'll lift them up, handcuff them and we

1 JOSE VEGA

2 walk them out. If the person wishes to be  
3 carried, the last two officers they will come  
4 in, cross his legs and then together they'll  
5 lift up that person and bring them out.

6 Q How does Disorder Control train the  
7 officers to determine that somebody is  
8 determined to get arrested and isn't ready to  
9 get up and walk away?

10 A What we explain to them when we do  
11 the training is that they have to be present  
12 when we read the orders. They have to be  
13 present and they have to understand. So, we'll  
14 tell them "Did you see what I saw? Do you  
15 understand why they're being arrested?" If the  
16 people do not leave and the order is given, then  
17 they start arresting. At no time -- we tell our  
18 officers at no time are they to start making  
19 arrests unless order to by a supervisor and that  
20 supervisor is not going to do no arrests until  
21 he's ordered to by the incident commander.

22 Q And the incident commander is not  
23 going to authorize those arrests unless these  
24 protocols are followed?

25 A For these -- yeah, they will follow

1 JOSE VEGA

2 the protocols of reading the warnings, giving  
3 the protester time to leave and then if they  
4 don't do it, the arrests are ordered.

5 MR. STECKLOW: Alright, Amy.

6 It's your witness.

7 MS. ROBINSON: I just have a  
8 couple of questions for you.

9 EXAMINATION BY

MS. ROBINSON:

10 Q What is the role of the Disorder  
11 Control Unit at a protestor demonstration?

12 A The role of the Disorder Control  
13 Unit at a protest or demonstration is very  
14 simple. We provide tactical and logistical  
15 support to the incident command.

16 Q During a protest or a demonstration  
17 during, let's say, Occupy Wall Street for  
18 example, does any member of the Disorder Control  
19 order that arrests be made?

20 A No, ma'am. We don't -- we don't  
21 order anyone to be arrested. One of us may read  
22 the order, but that's after he's been given the  
23 go ahead by the incident command.

24 Q Then also with respect to Occupy  
25 Wall Street, did any members of the Disorder

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Control Unit actually make arrests?

A No, no one from the Disorder Control Unit made any arrest during that time period.

MS. ROBINSON: That's all I have.

MR. STECKLOW: Okay. The time is now 3:39 P.M. and we are off the record.

(Whereupon, at 3:39 P.M., these proceedings were concluded.)

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STATE OF \_\_\_\_\_ )  
 ) : ss  
COUNTY OF \_\_\_\_\_ )

I, JOSE VEGA, the witness  
herein, having read the foregoing  
testimony of the pages of this deposition,  
do hereby certify it to be a true and  
correct transcript, subject to the  
corrections, if any, shown on the attached  
page.

\_\_\_\_\_  
JOSE VEGA

Sworn and subscribed to before me,  
this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Notary Public

1	JOSE VEGA			
2	I N D E X			
3	WITNESS	EXAMINATION BY	PAGE	LINE
4	JOSE VEGA	MR. STECKLOW	4	7
5	JOSE VEGA	MS. ROBINSON	165	10
6	REQUESTS		PAGE	LINE
7	Provide requested documentation		23	19
8	Provide requested documentation		80	11
9	Provide training video		147	7
10	Provide requested documentation		152	11
11	INDEX TO VEGA EXHIBITS			
12	EXHIBIT	DESCRIPTION	PAGE	LINE
13	Exhibit 1	30(b)(6) notice	12	18
14	Exhibit 2	Advanced command	33	24
15		leadership training		
16		section		
17	Exhibit 3	DCU Level I & II	37	16
18		mobilization		
19	Exhibit 4	4/1971 Legal Bureau	37	21
20		bulletin		
21	Exhibit 5	2/2017 Legal Bureau	38	2
22		bulletin		
23	Exhibit 6	NYPD six-month plan	38	7
24	Exhibit 7	DCU 09053	52	13
25	Exhibit 8	1/16/12 memo	86	3
	Exhibit 9	8/11/11 memo	87	15
	Exhibit 10	12/20/11 memo	91	10



1	JOSE VEGA		
2	Exhibit 11 3/2/11 NYPD document	98	19
3	Exhibit 12 Ten-page document	106	9
4	Exhibit 13 RNC guidelines	111	21
5	Exhibit 14 Training memo	135	19
6	Exhibit 15 4/1/12 e-mail	136	2
7	Exhibit 16 9/12/12 e-mail	142	9
8	Exhibit 17 3/8/12 e-mail	146	25
9	Exhibit 18 9/16/10 e-mail	149	20
10	Exhibit 19 9/16/10 e-mail	150	8
11	Exhibit 20 Police omnipresence document	150	13
12	Exhibit 21 Sit-in arrest document	161	2
13			
14			
15			
16			
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CERTIFICATION

I, ANITA M. CUMMO, a notary public in and for the State of New York, do hereby certify:

THAT the witness whose testimony is hereby before set forth, was duly sworn by me; and that the within transcript is a true record of the testimony given by said witness. I further certify that I am not related, either by blood or marriage, to any of the parties to this action; and

THAT I am in no way interested in the outcome of this matter.

IN witness whereof, I have hereunto set my hand this third day of October 2018.



ANITA M. CUMMO

## INSTRUCTIONS TO WITNESS

Please read your deposition over carefully and make any necessary corrections. You should state the reason in the appropriate space on the errata sheet for any corrections that are made.

After doing so, please sign the errata sheet and date it.

You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition.

It is imperative that you return the original errata sheet to the deposing attorney within thirty (30) days of receipt of the deposition transcript by you. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court.

## E R R A T A

I wish to make the following changes,  
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PAGE LINE

\_\_\_\_\_ CHANGE: \_\_\_\_\_

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JOSE VEGA

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SUBSCRIBED AND SWORN TO BEFORE  
ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 201 .

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COMMISSION EXPIRES

[&amp; - 2:15]

Page 1

<b>&amp;</b>	<b>1278</b> 4:11 28:18	<b>1971</b> 51:15,23 52:3	32:16 36:17 38:20
<b>&amp;</b> 37:12 168:16	<b>13</b> 5:7 111:15,19	<b>1993</b> 86:12	53:6,13,14,15,15
<b>0</b>	128:5 168:21	<b>1995</b> 24:3	56:22 61:22,23
<b>025</b> 42:8,12,19	169:3,10	<b>1998</b> 24:10	62:3 69:6,9,14,15
<b>0800</b> 36:4	<b>134</b> 96:6	<b>1999</b> 124:3	83:4 88:5,24 89:3
<b>09053</b> 52:9 168:21	<b>135</b> 169:4	<b>1:00</b> 105:7	89:10,25 90:6
<b>1</b>	<b>136</b> 169:5	<b>1st</b> 24:10 53:5,6,15	91:24 92:6,12
<b>1</b> 12:12,16,19 13:6	<b>14</b> 135:13,17	53:15,17,17	97:12 99:7 103:5
46:4 168:13	138:21 169:4	148:11,19 149:10	104:23 108:22
<b>1,412</b> 97:13	<b>1400</b> 97:21	<b>2</b>	111:9 114:7,10
<b>1,456</b> 103:18	<b>142</b> 169:6	<b>2</b> 33:15,22,25	121:18 123:24
<b>1,800</b> 104:7	<b>143</b> 96:25	168:14,19 169:5	139:25 146:3,9
<b>1/16/12</b> 85:23	<b>14545</b> 49:16	169:12	<b>2012</b> 30:16 69:6,10
168:22	<b>146</b> 169:7	<b>2/2017</b> 37:22	136:14,16 140:17
<b>10</b> 91:4,8,11 94:11	<b>147</b> 168:9	168:19	142:21 148:19
168:4,24,24	<b>149</b> 169:8	<b>20</b> 1:14 133:18,20	149:9,10
<b>100</b> 2:10 154:18	<b>14th</b> 142:20	134:5 150:2,11	<b>2016</b> 27:3
<b>10007</b> 2:11	<b>15</b> 1:8 44:9 135:20	156:19 169:8,10	<b>2017</b> 17:23 51:16
<b>10013</b> 2:6	135:24 136:3	<b>200</b> 55:11	51:23 52:4
<b>10452</b> 4:12	168:23 169:5	<b>2001</b> 24:16 25:4,7	<b>2018</b> 1:14 167:21
<b>106</b> 169:2	<b>150</b> 169:9,10	25:12 30:21	170:15
<b>10:31</b> 1:14 4:13	<b>152</b> 168:10	<b>2004</b> 28:12 29:21	<b>20th</b> 28:25
<b>10th</b> 43:21 46:9	<b>16</b> 83:17 84:2 97:8	30:9,15,23 61:22	<b>21</b> 160:20,24 161:4
<b>11</b> 44:7,8,15 48:25	142:3,7,10 168:16	61:23 62:2 92:6	161:6 168:17
98:11,17,22 168:8	169:6	108:6 110:7,13	169:3,12
168:10 169:1	<b>161</b> 169:12	111:4 112:12	<b>217</b> 1:12 2:5 4:14
<b>111</b> 169:3	<b>165</b> 168:4	114:3 121:17	<b>22</b> 103:10 104:4,5
<b>11:00</b> 44:10	<b>17</b> 142:20 146:19	124:16 125:10	104:11,12
<b>11:09</b> 28:11	146:23 147:8	126:12 127:14	<b>23</b> 168:7
<b>11:30</b> 44:15	169:7	139:25 140:3,13	<b>2300</b> 44:6
<b>11:46</b> 38:8,9	<b>17th</b> 48:11	146:3,9	<b>24</b> 6:25 7:4 168:14
<b>11th</b> 43:8,14	<b>18</b> 149:14,18,21	<b>2005</b> 24:23 25:12	<b>24,835</b> 103:8
<b>12</b> 5:6 106:3,7,13	150:19,21 152:16	25:20 69:4,5	<b>24th</b> 48:8
128:4 129:17,20	168:13 169:8	<b>2006</b> 25:25	<b>25</b> 42:13,14 169:7
145:13,14 168:13	<b>18,352</b> 103:22	<b>2007</b> 140:9,16	<b>25th</b> 43:14
169:2	<b>184</b> 103:16	<b>2009</b> 103:4 104:23	<b>26th</b> 25:25
<b>12/20/11</b> 91:6	<b>19</b> 149:25 150:6	<b>201</b> 172:23	<b>29</b> 103:12
168:24	152:22 168:7	<b>2010</b> 26:9,13	<b>2:15</b> 105:14
<b>124</b> 97:6	169:1,4,9	152:20	
	<b>1970</b> 17:7,10	<b>2011</b> 28:13 29:21	
		30:10,23 31:12,13	

**[3 - administration]**

Page 2

<b>3</b>	<b>5</b>	<b>9/16/10</b> 149:16 169:8,9 <b>9/17</b> 48:25 <b>9/17/11</b> 47:19 48:22 <b>9/17/12</b> 47:20 <b>9/24</b> 48:7,13 <b>90</b> 15:22 <b>90s</b> 127:2 <b>91</b> 168:24 <b>95</b> 93:23 94:4,13 153:12,16,20,23 153:25 154:5,6,17 156:11,15 158:9 158:13,17 161:24 <b>96</b> 24:9 <b>97</b> 86:12 <b>98</b> 169:1 <b>99</b> 49:5 93:23 <b>9th</b> 92:18 97:12	<b>acceptable</b> 5:22 9:10 10:6 <b>access</b> 123:4 <b>accident</b> 71:22 <b>accomplish</b> 53:7 53:10,18,24 <b>accurate</b> 36:19 68:20 69:15 112:22 114:16 127:19 171:16 <b>accurately</b> 6:17 7:8,12,16,20 <b>acr</b> 99:20 <b>acronym</b> 49:21 105:20,25 107:7 107:11 108:3,11 109:11 <b>acted</b> 128:12 <b>action</b> 129:18 170:11 <b>actions</b> 128:13,18 129:2,14 <b>active</b> 57:17 123:3 123:7,18 <b>activity</b> 73:24 78:5 88:13 89:21 98:5 100:24 101:12 110:22 111:12 132:15 148:23 152:8,9 155:7 158:8 <b>actors</b> 90:13 <b>added</b> 86:18 148:15 151:13 <b>adding</b> 151:11 <b>addition</b> 110:10 <b>additional</b> 16:23 <b>address</b> 4:10 47:6 155:3 <b>administration</b> 84:21	
<b>3</b> 37:14 38:13 40:23 41:6 49:14 85:9,10,16,18 168:16,22 <b>3,402</b> 103:20 <b>3/2/11</b> 98:15 169:1 <b>3/8/12</b> 146:21 169:7 <b>30</b> 1:20 4:2 5:9 11:23 12:14 24:6 39:15 83:8 168:13 171:14 <b>30th</b> 24:2 30:15 140:17 <b>31</b> 125:10 <b>31st</b> 126:12 127:14 136:19 <b>31th</b> 48:10 <b>33</b> 168:14 <b>37</b> 103:14 168:16 168:17 <b>38</b> 168:19,20 <b>3:00</b> 146:14 <b>3:30</b> 44:13,15 <b>3:39</b> 166:7,9	<b>5</b> 37:24 168:19 <b>5/11</b> 42:16 <b>5/25</b> 43:12 <b>52</b> 168:21 <b>5th</b> 24:22			
	<b>6</b>			
	<b>6</b> 1:20 4:2 5:9 11:23 12:14 38:5 52:16 59:16 63:21 72:19 168:13,20 <b>6/2</b> 43:13 <b>60</b> 83:13 <b>63rd</b> 43:9,16 <b>65</b> 86:10 <b>69</b> 97:3 <b>6th</b> 2:5			
	<b>7</b>			
	<b>7</b> 52:7,10 80:18 168:4,9,20,21 <b>70s</b> 17:22 <b>7130</b> 1:8 <b>7:00</b> 44:11,12 <b>7th</b> 92:17 97:11	<b>a</b>		
	<b>8</b>	<b>a.m.</b> 1:14 28:11 38:9 <b>ability</b> 7:7,11,15 7:20 13:7 <b>able</b> 8:14 41:11 129:17 <b>absolutely</b> 44:5 133:22 <b>academy</b> 19:2 23:25 24:2,5 28:24 29:17 30:7 30:8,18 34:9 68:19,23 69:5,7,13 69:24 70:5,19 75:21 77:7,11,25 79:21 80:3 107:8 107:14,17 137:4 141:13 151:20,23 151:24		
	<b>8</b> 85:25 86:4 168:22 169:9 <b>8/11/11</b> 87:11 168:23 <b>80</b> 168:8 <b>80s</b> 127:2 <b>86</b> 168:22 <b>87</b> 168:23 <b>8th</b> 148:19			
	<b>9</b>			
	<b>9</b> 87:9,13 168:23 169:2,6 <b>9/12/12</b> 142:5 169:6			
<b>4</b>				
<b>4</b> 37:19 51:3 168:4 168:17 <b>4/1/12</b> 135:22 169:5 <b>4/1971</b> 37:17 168:17 <b>420</b> 96:9 <b>45</b> 39:15 <b>4940</b> 170:17 <b>4th</b> 26:8 136:16				

[advanced - attached]

Page 3

<b>advanced</b> 33:19 99:19 100:21,23 168:14 <b>affair</b> 66:3 <b>affect</b> 7:7,11,15,19 <b>afternoon</b> 44:13 105:18,19 <b>agency</b> 2:15 <b>agency's</b> 60:4 <b>ago</b> 5:7 13:11,19 13:23 15:19 18:8 19:25 21:6,13,17 121:23 156:7 <b>agree</b> 9:4 11:23 118:5 134:13 <b>agreed</b> 3:6,11,14 3:18 140:12 <b>ahead</b> 165:23 <b>air</b> 29:9 36:6 55:23 60:23 <b>alabama</b> 60:7 64:2 <b>albano</b> 139:17 140:7,13,18 141:21,24 <b>alcohol</b> 6:24 <b>allison</b> 14:20 <b>allow</b> 113:7,9,11 119:6 <b>allowed</b> 124:5 132:14 <b>alright</b> 165:5 <b>alternative</b> 73:23 74:16 112:18 113:11,18 <b>ambulance</b> 120:7 <b>amendment</b> 40:3 68:8 70:2 86:24 89:20 98:5 99:24 100:12,24 101:12 102:2,6 108:13 110:21 111:12	132:15 148:23 152:8 155:7 <b>amendments</b> 70:7 <b>america</b> 121:14 127:2 <b>amok</b> 124:5 <b>amount</b> 45:13 49:23,25 60:18 <b>amounts</b> 94:20 153:20 <b>ample</b> 112:18 <b>amy</b> 2:11 165:5 <b>analysis</b> 116:9 <b>anarchists</b> 124:4 <b>angle</b> 130:19,21 131:16,17,18 132:12 <b>anita</b> 1:21 170:4 170:18 <b>anniston</b> 60:7 64:2 <b>anniversary</b> 48:17 <b>annual</b> 19:15 61:4 <b>answer</b> 5:21 6:9 6:13 8:18,20 9:2,3 10:22 27:17 36:20 36:25 70:14 75:23 109:23 126:2 129:13 130:17,21 131:14 132:19,20 133:12 134:12 135:2 143:16,18 143:21 <b>answers</b> 11:11,12 11:15,18 <b>anthony</b> 21:3,4 26:10 79:14 140:5 147:13 <b>anticipate</b> 119:10 <b>anticipation</b> 20:18 22:21 127:17 148:10	<b>anybody</b> 15:6,8,10 <b>anytime</b> 44:10 <b>appreciate</b> 133:11 <b>approach</b> 157:7 159:4,5,21 <b>appropriate</b> 73:19 74:15 171:5 <b>approve</b> 53:8 <b>approved</b> 81:4,6 <b>april</b> 136:16 <b>area</b> 35:10 39:7 42:23 45:12 46:5 46:7 49:10,11 55:24 57:17 74:8 74:9 90:15,15 120:21 121:2,2 126:18 127:4,7,10 127:10 163:11 <b>areas</b> 29:6 42:21 54:12 58:6 83:13 86:18 116:12,16 160:15 <b>ari</b> 1:4 <b>arrest</b> 18:21 33:5 33:7 35:2,3 66:23 69:18 70:24,25 71:9,14,23 72:4 82:15 90:2 110:4 131:7,13 134:19 135:9 137:14 150:4 151:10,12 153:4,11,24 154:14,23 155:11 156:2 160:14,22 161:16 162:6,9,15 162:20,23 163:12 163:15,17 166:4 169:12 <b>arrested</b> 35:4 74:10 125:24 129:15 130:9	131:2 154:25 155:8,9,15,18,19 156:4 161:19 163:16 164:8,15 165:21 <b>arresting</b> 73:12 90:19 129:10 163:3,22 164:17 <b>arrests</b> 69:21 110:4 125:15,18 126:5,12 127:6,14 129:23 130:2,15 135:6 137:15 161:9,12 164:19 164:20,23 165:4 165:19 166:2 <b>articulate</b> 73:16 <b>asked</b> 13:14 39:12 143:20 145:21 <b>asking</b> 9:18 32:11 32:16 56:4 61:13 70:15 75:18 76:4 76:8,17 110:20,25 111:8 113:2,3,5 115:18,19,20 116:7 133:10,13 133:17 134:2,11 143:19 154:13 <b>aspects</b> 142:24 <b>assembly</b> 88:12,15 <b>assigned</b> 50:10 59:6 67:12 68:13 77:5,16 95:6,8 96:3 145:5 <b>assignment</b> 24:4,6 27:4 <b>assistant</b> 40:13 77:20 <b>atmosphere</b> 56:2 <b>attached</b> 16:15,24 167:12 171:11
---	--	--	--

[attachment - bulletin]

Page 4

<b>attachment</b> 144:9 <b>attacked</b> 55:25 <b>attacks</b> 163:20 <b>attempting</b> 159:9 <b>attended</b> 78:11 108:20 109:15 <b>attorney</b> 14:23 20:22 171:13 <b>attorneys</b> 2:4,9 14:16 19:24 22:24 23:8 74:22,23 <b>august</b> 24:16,22 25:4,7,12,12,20 26:13 88:5,10,14 88:24 89:25 90:6 125:10 126:12 127:14 <b>authorize</b> 164:23 <b>available</b> 46:15 <b>avenue</b> 4:11 28:18 29:2 <b>average</b> 45:15 <b>avims</b> 2:7 <b>aware</b> 7:6,10,23 47:8,24 48:20,24 49:6 52:5 72:17 76:20 89:4,11 99:25 105:5 107:18 108:25 124:22 125:10,14 125:17,21 127:21 127:24 146:6,11 <b>awareness</b> 49:3 55:20	56:18 59:16 63:21 69:10 73:6,8 78:19 79:8 98:19 105:9 123:8,15 155:23 161:2 <b>bad</b> 17:18 147:19 153:18 <b>ball</b> 13:20 <b>barrier</b> 82:15 126:18,23 <b>base</b> 10:2 28:17 29:10 31:10 56:13 56:14 122:5 138:5 138:6 <b>based</b> 126:10 127:13 146:5,10 156:7 <b>basic</b> 35:14 <b>basically</b> 21:24 34:23 52:25 57:9 64:17 66:8,17 67:13,14 90:25 91:18 99:4 110:3 147:15 <b>basis</b> 21:20 82:5,7 <b>bates</b> 23:21 49:16 145:17,22,23 <b>battle</b> 124:2 147:5 <b>beck</b> 1:3 <b>beginning</b> 108:23 120:15 <b>begins</b> 133:8 <b>begun</b> 47:19 <b>behalf</b> 1:5 9:6 11:8 11:12,18 48:2 113:4,6 115:19,21 <b>believe</b> 8:8 9:18 11:20 14:19,20 17:4 27:20 48:12 48:25 51:5 69:6 77:10 80:6 85:9	92:11 95:9 99:6 128:5 <b>believes</b> 9:20 <b>belongs</b> 115:9 <b>bennett</b> 29:8,18 <b>berger</b> 1:4 <b>best</b> 13:7,25 14:2 28:15 113:13 148:16 <b>better</b> 147:5 <b>biannually</b> 59:13 <b>bicycles</b> 57:11 <b>big</b> 35:4 57:19 78:21 124:10 127:7 <b>bike</b> 57:8 <b>binding</b> 11:16 <b>biological</b> 55:19 56:2 <b>bit</b> 65:15 116:5 <b>block</b> 71:15 90:16 120:3 121:3,3 130:7 131:24 132:8,10,16,22 <b>blocked</b> 120:3 131:22 <b>blocking</b> 71:16,17 72:9 90:25 115:4 132:24 134:15 162:23 <b>blood</b> 170:10 <b>bodies</b> 104:18 <b>book</b> 86:9,14 156:7 162:11 163:13 <b>booklet</b> 86:11,18 <b>borough</b> 45:7 46:10,13,14 57:21 57:24 58:10 81:2 96:22,23 97:3,8 121:4,5 137:13	<b>borough's</b> 50:8 <b>boroughs</b> 45:7 67:12 68:14 <b>bottom</b> 117:22 <b>bought</b> 27:18 <b>bound</b> 11:18 <b>break</b> 12:7 37:3,7 105:9 146:15 <b>breathable</b> 56:3 <b>brief</b> 12:9 28:8 37:8 146:16 <b>briefly</b> 23:22 <b>briefs</b> 16:18 <b>bring</b> 23:11 49:3 79:20 162:2 163:24 164:5 <b>bringing</b> 46:13 <b>broad</b> 10:5 <b>broke</b> 66:6 <b>broken</b> 45:6 <b>bronx</b> 4:11 20:5 28:17 29:16,23 30:9,17,20,25 45:11 56:13 64:11 96:22 97:4 127:18 138:5,6 <b>brooklyn</b> 45:9,9 96:23 <b>brought</b> 68:12 77:24 94:18 124:23 125:18 <b>building</b> 64:14 <b>bullet</b> 53:19,21 54:9 55:17 63:22 63:23 64:16 65:5 68:3,11,18 158:3 159:20 <b>bulletin</b> 18:4 37:18,23 51:23 168:18,19
<b>b</b>			
<b>b</b> 1:20 4:2 5:9 11:23 12:14 168:13 <b>back</b> 9:3 12:25 25:24 28:10 38:7 38:10 49:13 50:19			



## [bulletins - cobra]

Page 5

<b>bulletins</b> 17:2,21 17:25 51:19 <b>bureau</b> 14:24 16:18 17:2,8,21,24 18:3 37:17,22 49:22 50:4,9 51:18,23 63:14,20 72:25 74:22 94:24 95:7,13 96:11,14 107:25 108:6 109:15,20 117:4 118:12 168:17,19 <b>burglaries</b> 42:24 <b>business</b> 132:7,9	<b>car</b> 115:4 <b>care</b> 64:14 66:21 <b>carefully</b> 171:3 <b>carried</b> 31:10 162:15 164:3 <b>carry</b> 161:25 <b>case</b> 57:17 66:25 69:21 93:25 94:20 146:10 147:19 <b>catalog</b> 162:11 163:13 <b>cataloging</b> 49:23 <b>caught</b> 46:21 <b>cause</b> 33:4,7 39:24 66:23 67:17,20 68:4 69:18 98:2 130:14 131:12 134:19 <b>cbrne</b> 55:18 <b>center</b> 39:8,16,18 39:19,22 43:19,20 60:8 63:25 <b>centralize</b> 69:7 <b>centre</b> 1:12 2:5 4:14 <b>certain</b> 36:2 45:13 49:10 60:18 142:23 <b>certification</b> 3:8 170:2 <b>certify</b> 167:10 170:5,9 <b>chance</b> 12:18 33:24 38:17 41:5 51:7 52:15 80:16 80:17 86:3 91:10 98:21 106:12 112:4 136:2 142:9 150:20 156:17,20 <b>chances</b> 8:8	<b>change</b> 8:25 9:4 27:5,6,8 32:20 52:24 57:19 121:3 126:22,24 127:11 127:12 148:13,14 148:21,25 149:8 172:9,11,13,15,17 <b>changed</b> 26:25 52:2 56:24 57:2,5 121:17 <b>changes</b> 8:15 86:13 126:20 146:4,5,7,8 171:9 172:5 <b>charge</b> 3:21 26:16 26:18 57:16 60:15 60:20 80:24,25 84:8 126:17 128:21 137:6 <b>charles</b> 1:4 <b>check</b> 41:2 <b>chemical</b> 55:19,25 <b>chief</b> 32:7 39:12 52:22 81:8 91:25 92:4,9,10 104:2,6 104:14 147:21 148:3 <b>chiefs</b> 40:13,14 77:20,20,21 102:24 103:10 104:4,11,12 <b>child</b> 47:3 <b>church</b> 2:10 <b>circulated</b> 141:14 <b>citi</b> 29:6,7 <b>city</b> 1:9,17 2:10 4:17 9:7,9,15,19 10:13,18,21,23 11:3,8,12,16,24 14:16 32:12 45:5 48:3 58:11 60:16	62:16 70:9 88:24 89:5,10 113:4 115:19,21 124:23 137:2 <b>civil</b> 84:19,20,22 93:12,12,16,16 94:5,14,14 117:6 121:12,13 <b>clarify</b> 50:23 73:25 <b>class</b> 32:21 33:6 56:9 65:8,10,13 66:7 68:23 69:5 <b>classes</b> 31:8 55:20 124:11 <b>classroom</b> 28:19 28:19 29:3,3,13 30:5,7,16,24 31:9 31:16,18,23,24 32:18 33:9 40:18 40:24 41:9 54:7 54:18 56:7,9 64:8 64:10 65:21 66:12 66:14,16,18 67:13 81:19,20 85:19 89:13 97:18 99:14 99:17,18,20,21,22 100:9 101:8,18,24 101:25 138:9,10 <b>classrooms</b> 29:24 30:3 <b>clear</b> 90:17 115:15 116:8,20 117:7,19 153:17 <b>clips</b> 121:12 <b>close</b> 128:19 <b>closed</b> 128:21,24 132:23 133:2 <b>cobra</b> 60:15,18 99:19 100:21,23
<b>c</b>			
<b>c</b> 2:2 25:9,9 <b>cadet</b> 75:21 95:25 <b>cadets</b> 90:13 <b>call</b> 18:11 19:7 21:9,9,12 35:20,21 44:6 46:4,6 47:4 <b>called</b> 13:10 21:10 21:21 28:17 32:22 34:7 38:23 46:17 46:24 47:9,12,14 47:23,25 48:21,23 56:14 65:11 76:22 80:4,7 86:10 126:25 130:23 <b>calling</b> 46:8 50:17 <b>camandano</b> 81:8 <b>capacity</b> 5:12 9:9 <b>captain</b> 32:10 33:11 143:4,7,9 <b>captains</b> 32:6,22 40:12 65:9,20 77:19 78:13 102:23 103:16 136:10 137:5,7,25 <b>caption</b> 41:18 42:8			

[column - control]

Page 6

<b>column</b> 82:16 <b>combat</b> 120:7 <b>combination</b> 64:8 <b>come</b> 19:12 39:13 40:15 45:14 56:17 72:24 78:19 82:11 118:17 119:15 122:22 139:18 141:5,11 147:15 159:10 164:3 <b>comes</b> 19:2 57:7 63:2 75:4,16 76:12,14,18 88:16 107:9 115:13 117:11 121:21 122:24 <b>coming</b> 35:10 36:3 89:9 94:24 119:3 <b>command</b> 18:22 32:22,25 33:19 34:14 65:6,11,14 65:17,23,24 66:4 66:25 67:3,10 68:12 84:5,7,8,9 84:16 99:20 101:10,11,14,19 165:15,23 168:14 <b>commander</b> 42:22 126:17 163:7 164:21,22 <b>commanding</b> 21:3 26:17 52:20,21,25 53:3 58:7,12 78:17 79:13 80:23 86:8 87:23 91:17 91:17,22 92:4 99:2,3 140:4 142:18 147:13,14 <b>comments</b> 22:17 <b>commission</b> 172:25	<b>commissioner</b> 87:23 <b>common</b> 73:9 <b>communicate</b> 20:21 <b>communicated</b> 21:2 <b>communication</b> 66:5 112:19 <b>compared</b> 159:13 <b>complaints</b> 127:22 <b>completely</b> 120:3 143:12 <b>comply</b> 163:14 <b>component</b> 148:15 <b>comport</b> 134:23 <b>comported</b> 129:11 135:7,10 <b>comps</b> 70:4 <b>concern</b> 114:15 <b>concerned</b> 119:19 142:19 <b>concerning</b> 9:19 10:23 127:23 144:3 160:11 <b>concluded</b> 166:10 <b>condition</b> 7:7,11 <b>conduct</b> 17:6,22 29:5 32:17 42:20 43:2 51:19,24 52:3 54:13 57:6,8 57:11 58:16 60:7 61:7 67:5,11,24 68:9,22 69:13 70:10,21,24 71:6,9 74:23 75:2,15 76:19 77:11 78:4 78:8,15 79:5,12 86:21 87:25 89:17 97:22 100:3,14 101:3,16 102:9	106:20 107:6,10 107:12 110:11,24 111:5 118:21 120:13 121:23 127:23 128:11,12 129:4,10,21 130:24 131:7,8,13 134:21 137:23 138:14,19 141:4,4 141:8,10,15 149:3 152:9 162:19 <b>conducted</b> 28:16 29:13,20 30:4,16 30:24 32:8 34:20 36:18,24 45:11 56:11,12 59:3,25 66:15 69:4,8,19 70:19 77:2,5 79:20 83:3,5 88:10 90:13 91:20 92:18,23 93:14 94:7,8 99:5,5 104:25 118:13 137:21 138:18 140:5,23 <b>conducting</b> 36:7 38:24 54:14 57:16 65:13 <b>conduction</b> 160:15 <b>conducts</b> 55:18 77:4 <b>confines</b> 42:14 43:20 46:10 <b>confused</b> 10:8 11:2 <b>conjunction</b> 49:25 <b>consider</b> 158:16 <b>considered</b> 62:5 62:11 157:21 <b>consisted</b> 34:20 35:9 65:20	<b>consistent</b> 114:15 126:19 <b>constantly</b> 35:16 57:18 62:22 75:13 <b>constitution</b> 70:7 <b>constitutional</b> 102:12 <b>constraints</b> 36:21 <b>consumed</b> 6:24 <b>contact</b> 144:22 <b>contained</b> 71:24 107:4 111:23 <b>context</b> 148:14 <b>continuation</b> 54:10,11 65:6 <b>continue</b> 26:23 53:18 54:14 55:16 56:19 124:6 <b>continued</b> 82:8 105:15 148:7 <b>control</b> 25:3,7,14 25:16,25 26:3,4,7 26:11,16,21 27:19 27:22,25 28:13 29:5,12 30:4,16,24 32:17 33:9 34:4 39:14 50:15,18,22 50:24 52:20 53:10 53:23 55:18 56:18 57:4,8,9,15 60:3 60:12,15 61:6,8,11 61:20 62:2,24 63:19 68:20,22 69:4,9,10,13,20,23 70:10,19 74:14 75:17 76:25 77:8 80:25 81:3,24 82:3,14 83:3,23 84:14,24 85:2,5 86:11 87:25 91:20 92:14,19,23 93:3
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[control - day]

Page 7

94:3 95:7 96:10 96:11 97:12 99:2 103:4 104:22 105:3 106:23 108:8 109:3,8 110:14,23 111:2 113:6,24,25 114:7 114:9 115:22 116:10 117:5,9 118:14,16,17 119:17 121:7 122:7 125:6 126:6 126:9 127:5,13 129:12 134:24 135:8 136:12 137:8,12,13,17,20 137:22,24 138:5 139:10,14,22 140:6,19 142:19 145:7 146:4,9 148:4,22 149:2,6,9 149:11 153:3 159:9 160:7 161:8 161:15 164:6 165:11,12,18 166:2,3 <b>convention</b> 108:9 110:8 112:12 124:16,19,25 125:9,12 140:4 <b>conversation</b> 21:7 21:14,23 <b>conveyed</b> 72:9,11 72:12,12,14 <b>coordination</b> 66:5 <b>copied</b> 136:21 <b>copy</b> 3:20 12:7 98:12 147:3 <b>core</b> 70:4 <b>corner</b> 132:6	<b>corporation</b> 2:9 13:10,16 14:5 <b>correct</b> 8:9 9:15 10:24 11:9,13,18 12:2 14:21 27:23 29:25 30:18 32:19 33:11 48:3 51:16 51:20 63:11 73:2 76:15 83:18,23 85:11 102:17,21 102:24 107:12 109:4,9,12,16 110:15 127:25 129:18,21,24 130:3,7,10 131:8 132:25 135:5 136:21 140:10,14 141:24 142:24 143:10 145:8 153:8 154:11 158:5,21,25 159:25 167:11 <b>corrections</b> 167:12 171:4,6 <b>correctly</b> 129:14 <b>could've</b> 68:15 109:5 <b>counsel</b> 2:9 3:7,19 13:11,16 14:5 51:11 <b>count</b> 104:15 <b>counted</b> 104:3 <b>counterterrorism</b> 39:9,12 57:15 83:10 95:8 96:19 <b>county</b> 167:4 <b>couple</b> 13:11 18:10 19:24 21:6 165:8 <b>course</b> 23:19 32:23 33:4,8	34:14 55:21,22 58:17,21 60:5,7,10 64:3 65:11,14,18 65:18 <b>courses</b> 64:4 77:18 <b>court</b> 1:2 3:17 7:25 73:17 171:16 <b>cover</b> 70:9 84:5 <b>coverage</b> 142:20 144:7,8,10,21 <b>covered</b> 83:11,25 88:15 <b>cowan</b> 1:4 <b>craft</b> 73:19 74:15 <b>create</b> 157:25 <b>created</b> 58:8 106:23 112:10 <b>creation</b> 90:7,9 <b>crime</b> 42:21,23,25 43:2,5 54:12 83:12 95:7 96:10 96:11 137:3 <b>critical</b> 39:5 49:19 <b>cross</b> 164:4 <b>crowd</b> 29:5,12 35:6,14 39:14 57:4,7,9 61:8,10 61:20 62:2,23 68:17 69:20 73:6 73:8 75:17 76:25 81:3 82:14 117:5 119:10,17 137:12 137:13 159:8,9,12 159:21 <b>crv</b> 38:23 39:2,4 39:14,17,23 40:6 40:17 41:3,22,22 41:24 44:24 45:13 49:16,19,24 50:16 50:19,22,24 54:7 54:10 62:6 83:7	83:10 <b>crv010</b> 43:18 <b>cummo</b> 1:22 170:4 170:18 <b>current</b> 60:22 61:14 123:2 <b>currently</b> 61:7 92:2 <b>curriculum</b> 126:10 <b>cv</b> 1:8 <b>cycle</b> 151:12,16,19
<b>d</b>			
<b>d</b> 58:15,15 59:9 105:21,23 168:2 <b>d'adamo</b> 58:15 <b>danger</b> 35:11 115:15 116:8,20 117:7,20 119:3,6 <b>dangerous</b> 113:17 127:8 153:22 <b>data</b> 10:2 122:5 <b>date</b> 12:17 13:17 33:23 37:15,20,25 38:6 48:13 52:12 62:23 82:12 86:2 87:14 88:3,5 91:9 92:18 98:18 106:8 109:18 111:20 116:18 135:18,25 136:15 142:8 146:24 149:19 150:7,12 160:25 171:8 172:20 <b>dated</b> 140:9 <b>dates</b> 31:15 140:17 140:20 <b>day</b> 23:5 26:8 47:13,13 48:15,18 48:21,25 49:6,11 50:14,17,25 59:14			

[day - disorder]

Page 8

61:9 65:18 66:11 69:11 75:14,14 109:17 125:15,19 125:24 127:23 129:4 147:16 167:21 170:15 172:23 <b>days</b> 13:21 15:19 18:7 19:25 21:6 47:16 50:20 83:2 121:23 171:14 <b>dcu</b> 29:20 52:9 147:6 148:18 168:16,21 <b>dcu's</b> 144:8,10 <b>dcv</b> 37:12 <b>deal</b> 68:17 127:3 159:12,24 <b>dealt</b> 73:8 116:4 <b>december</b> 48:10 53:6,15,17 92:18 97:12 140:9,16 <b>decide</b> 46:15 133:8 <b>decided</b> 69:7 <b>decision</b> 46:14 126:11 <b>declined</b> 82:6,9,12 <b>deemed</b> 171:16 <b>defendant</b> 1:10,18 2:9 <b>define</b> 47:17,18 <b>delineated</b> 91:19 <b>demonstrated</b> 65:22 <b>demonstration</b> 47:14 67:2 78:9 118:2 165:11,13 165:16 <b>demonstrations</b> 93:13,15 114:13 156:14 158:4,13	158:17,20 159:15 159:25 <b>demonstrator</b> 18:20 <b>demonstrators</b> 94:21 156:3 <b>department</b> 2:10 14:16 32:3 45:6 50:11 92:20 107:22 <b>depending</b> 44:8,13 131:16 <b>depends</b> 116:17 132:4,7 151:25 <b>deploy</b> 36:8 <b>deployed</b> 39:8 57:14 <b>deployment</b> 60:16 60:17 <b>deployments</b> 57:15 <b>deposed</b> 4:23 5:2 5:15 13:12 22:2 <b>deposing</b> 21:25 171:13 <b>deposition</b> 1:17 3:9,15,21 4:16 8:24 9:8,23 11:15 11:24 12:2,21 13:9 15:3,7 18:5 20:9,19,23 21:15 21:23 22:10,13,16 22:18,21 23:2 37:6 51:12 105:16 127:17 139:4 167:9 171:3,11,14 171:15 <b>deputy</b> 40:13 77:19,20 87:23 102:23 103:14	<b>describe</b> 27:13 91:15 160:12 <b>described</b> 141:20 <b>description</b> 168:12 <b>designates</b> 163:8 <b>designation</b> 45:4 <b>detail</b> 48:24 49:6,8 49:12 60:20 66:3 <b>detail's</b> 49:2 <b>details</b> 18:11 22:9 22:12 119:18 <b>detective</b> 96:13 <b>detectives</b> 103:23 <b>determination</b> 162:5 <b>determine</b> 164:7 <b>determined</b> 162:22 164:8 <b>developing</b> 46:19 <b>development</b> 34:8 <b>devices</b> 82:15 <b>dictates</b> 73:9 <b>different</b> 21:15,16 39:9 54:3 64:18 76:24 82:13 116:12,17 117:12 133:14 157:10 <b>differentiate</b> 44:22 <b>difficult</b> 159:10 <b>direct</b> 25:6,8 143:15,17 <b>disapprove</b> 53:8 <b>discretionary</b> 27:2 <b>discuss</b> 22:9,12 154:22 155:12 <b>discussed</b> 11:7 29:23 34:15 51:14 74:18 76:11 79:12 79:15 154:16,20 <b>discusses</b> 158:23	<b>discussing</b> 92:22 156:13,14 <b>discussion</b> 22:7 27:11 28:4 30:13 150:16 160:5 <b>disjointed</b> 31:4 37:6 <b>disobedience</b> 93:12,16 94:6,14 117:6 121:13 <b>disorder</b> 19:8,21 25:2,7,14,16,25 26:3,4,7,11,16,20 27:18,22,24 28:13 30:4,16,24 32:17 33:8 34:4 50:14 50:18,22,24 52:20 53:10,23 55:17 56:18 57:15 60:3 60:12,15 61:6 68:20,22 69:4,9,10 69:12,23 70:10,18 74:14 77:8 80:25 81:24 82:2 83:3 83:23 84:14,19,20 84:23,24,25 85:4 86:10 87:25 91:19 92:14,19,23 93:3 93:16 94:3,14 97:12 99:2,22 101:23 103:4 104:22 105:3 106:23 108:8 109:3,8 110:23 111:2 113:6,24,25 114:6,9 115:22 116:10 117:9 118:14,16,17 119:20 121:6,13 122:7 125:6 126:5 126:9 127:13
---	---	---	---

[disorder - ensure]

Page 9

129:12 134:24 135:8 136:12 137:8,17,20,22,23 138:4 139:10,14 139:22 140:5,18 142:19 145:7 146:4,9 148:4,21 149:2,6,9,11 153:3 154:10,11 158:13 158:14,16,18 160:7 161:8,15 164:6 165:10,12 165:18,25 166:3 <b>disordered</b> 157:7 <b>disorderly</b> 17:6,22 51:19,24 52:3 67:5,24 68:9 70:21,24 71:6,9 75:15 76:18 78:4 78:7,15 79:5,12 86:21 89:17 97:21 100:3,14 101:3,15 102:9 106:20 107:6,9,12 110:10 110:14 131:7,13 138:14 141:3,4,8,9 149:3 152:9 154:16 <b>disorders</b> 158:4,21 159:16,25 <b>dispersal</b> 72:20,22 72:24 73:4,11,13 73:18,20,24 74:8 74:15 87:3 90:7,9 90:10 100:6 152:10 <b>disperse</b> 73:15 130:5 155:9 <b>distinct</b> 53:23,25 54:2 104:12	<b>distinction</b> 11:3 45:25 50:5 <b>distinguish</b> 81:17 93:18 <b>district</b> 1:2,2 <b>disturbance</b> 93:12 <b>division</b> 29:10 91:18,23 92:5,9,11 95:13,15,17 96:4,7 96:25 139:17 <b>document</b> 8:19 9:23,25 10:5,9 12:25 13:2 19:9 19:16,20 22:21 34:13 38:12,14,19 38:21 40:22 41:12 41:15,16,19 42:6 43:12 49:13 52:19 53:20 80:20 83:18 86:6,17 87:17,19 87:21,22 89:14 91:13,16 93:2 94:11,17 96:5 98:15,24,25 103:2 104:24 105:4 106:5,15,17,19 109:7 112:5,7 122:18,21,25 138:23 139:2,9 147:9,11 150:4,10 150:23,24 151:3 153:11 156:23 160:23 161:4,6 169:1,2,11,12 <b>documentation</b> 72:15 168:7,8,10 <b>documented</b> 72:19 <b>documents</b> 15:24 16:3,4,10,17,20,23 18:8,11,14,15 23:3 23:5,11,16 51:8,10	51:11 139:4 141:5 <b>doing</b> 36:21 39:14 43:9 46:9 54:12 56:22 66:2 69:23 71:21 81:22 82:4 130:22,25 131:3 141:6,7 148:7 157:23 163:9 171:7 <b>domestic</b> 60:8 63:25 <b>dot</b> 105:7 <b>double</b> 41:2 <b>downtown</b> 49:10 <b>dressed</b> 58:9 <b>drill</b> 43:2 56:8 81:18 <b>drills</b> 29:4 42:21 44:23,25 54:14,17 64:8 <b>drive</b> 115:11 <b>drugs</b> 7:3 <b>dsu</b> 45:23 <b>due</b> 89:9 148:2,22 149:2 <b>duly</b> 4:3 170:7 <b>duty</b> 11:25 <b>e</b> <b>e</b> 2:2,2,14,14 4:2,2 16:13,16 20:16 22:25 23:4 86:7,9 86:13,14 135:22 136:18 137:11 142:5,16,18 146:2 146:21 147:12,14 147:22 149:16 151:3,5 168:2 169:5,6,7,8,9 172:1 <b>earlier</b> 51:14 65:7 119:13 132:22	155:24 <b>early</b> 26:12 69:6 69:10 88:20 <b>easier</b> 127:5 159:11 <b>easily</b> 160:17 <b>edison</b> 60:5 64:3 <b>edward</b> 1:3 <b>effect</b> 3:16 127:19 <b>efficiently</b> 155:21 <b>efforts</b> 22:25 <b>eight</b> 39:9 45:6,19 54:15,20,22 55:7 55:13 57:24 58:6 58:6,7 82:25 85:21 161:18 163:18 <b>either</b> 12:24 15:11 30:17 31:5 33:10 45:11 53:25 55:25 60:3 62:15 66:8 68:16 90:18 116:4 146:12 170:10 <b>elderly</b> 47:3 <b>elected</b> 127:21 <b>electronic</b> 9:25 10:2 <b>eleven</b> 53:21 <b>emergency</b> 33:2 60:10 64:23 <b>emphasis</b> 72:23 <b>empty</b> 132:11,13 132:16 <b>encompass</b> 154:18 <b>encompasses</b> 154:14 <b>endangering</b> 120:9 <b>engaging</b> 155:6 <b>ensure</b> 65:12 163:20
--	--	--	---



[enter - first]

Page 10

<b>enter</b> 23:25 55:24 57:17 <b>entered</b> 24:2 <b>entire</b> 25:14 26:3 104:21,24 143:6,9 <b>entirely</b> 117:25 <b>entitled</b> 20:4 <b>entity</b> 1:9 <b>entry</b> 42:16 43:23 <b>environment</b> 119:24 <b>environmental</b> 60:4 <b>epa</b> 64:2 <b>equipment</b> 64:23 65:2,25 144:14,17 145:2 162:8 163:2 163:5 <b>errata</b> 171:5,7,10 171:13 <b>especially</b> 147:24 <b>esposito</b> 147:21 148:3 <b>esq</b> 2:6,7,11 <b>esu</b> 64:3 <b>eve</b> 48:14,15 <b>evening</b> 44:10 <b>event</b> 46:25 123:2 <b>events</b> 88:22 <b>everybody</b> 63:8 64:21 94:16 147:18 <b>everyday</b> 39:5 <b>evolved</b> 124:13 <b>exact</b> 18:24 31:15 47:13 94:16 147:23 <b>exactly</b> 48:8 107:8 <b>examination</b> 4:6 165:9 168:3	<b>examined</b> 3:19 4:5 <b>example</b> 9:17 47:2 113:13 162:14 165:18 <b>exchange</b> 64:20 <b>excluded</b> 85:19 <b>excuse</b> 29:7 31:14 102:7 144:14 155:13 <b>executive</b> 77:24 79:19 128:20 <b>executives</b> 32:9 77:23 78:12 80:6 138:18 140:7 <b>exercise</b> 35:17,20 35:25 36:8,22 45:12 54:6,22 56:8 62:8 66:8,13 66:15,16,17 67:13 81:18 82:14 84:6 84:6,11,17 88:2,7 89:8,14 90:12,17 90:20,24 99:17,18 100:10,11 <b>exercises</b> 36:18,21 37:4 43:15 44:25 54:19 65:7 67:11 83:12 89:12,13 97:17 99:23 103:4 104:9 <b>exhibit</b> 12:16,19 13:6 33:22,25 37:14,19,24 38:5 52:10 85:25 87:13 91:8 98:17 106:7 111:19 135:17,24 138:21 142:7 146:23 149:18 150:6,11,19 160:24 168:12,13 168:14,16,17,19	168:20,21,22,23 168:24 169:1,2,3,4 169:5,6,7,8,9,10 169:12 <b>exhibits</b> 168:11 <b>exist</b> 57:25 <b>existence</b> 47:9 <b>expect</b> 10:17,22 <b>experience</b> 34:11 119:16 <b>expires</b> 172:25 <b>explain</b> 39:2 45:3 65:15 67:15 71:8 71:15 72:22 73:3 117:15 119:22 121:14 147:18 161:21 163:8,14 164:10 <b>explained</b> 151:17 <b>explaining</b> 39:11 <b>explains</b> 72:5 <b>explanation</b> 84:13 <b>expressly</b> 9:12 10:14 <b>extra</b> 47:5 148:6 <b>extreme</b> 35:11 <b>extricate</b> 155:20	<b>fbi</b> 156:6 <b>federal</b> 1:19 62:16 125:21 126:11 <b>feel</b> 62:21 <b>feeling</b> 88:19 <b>fell</b> 48:18 <b>felony</b> 42:25 <b>felt</b> 88:14,21 94:19 <b>fence</b> 128:22 132:11,13 <b>field</b> 28:20,22 29:3 29:6,7,9,12,16,18 34:18,19,22 35:7 35:15,18,24 40:20 40:25 41:3 54:20 55:7 57:7 81:22 84:12 85:7,11,14 85:18 89:15 97:19 97:23 110:2,2,5,14 110:20 118:21,22 140:23 <b>fifth</b> 44:17 <b>file</b> 36:8 122:6,15 <b>filing</b> 3:8 <b>find</b> 37:3 47:4 64:3 122:14 <b>fine</b> 22:5 <b>finest</b> 36:10 <b>finish</b> 5:20 17:14 <b>finished</b> 24:5 47:19 87:16 <b>fire</b> 120:6,7 <b>first</b> 4:3 13:15,19 14:7,19 15:14,25 16:8,11,21 20:16 24:4,6 40:3 42:15 44:3,5,8,16 47:13 47:13 48:5,7,21 50:18 54:9 58:25 62:10 65:10 68:8 69:25 71:10 84:4
		<b>f</b>	
		<b>f</b> 49:17 105:21,23 <b>facilitate</b> 66:4 <b>facility</b> 113:16 <b>fail</b> 7:18 171:15 <b>fair</b> 22:2,16 <b>fall</b> 95:17 107:9 123:15 <b>far</b> 110:20 112:24 117:19 132:6,7 <b>fashion</b> 82:8 <b>faster</b> 70:16 <b>favor</b> 159:11	

[first - go]

Page 11

86:24 89:20 90:17 98:5 99:24 100:12 100:24 101:12 102:2,6 108:13 110:21 111:12 120:2 129:24 132:14 142:14,17 143:2 148:23 149:25 150:25 151:2 152:8 155:7 157:12,14 158:3 161:17,22 162:25 163:2,5 <b>firsthand</b> 141:6,18 141:21,23 <b>five</b> 21:8,22 29:14 51:5,6 58:9 93:25 96:16 104:2,3,14 104:15 153:6,13 153:19,25 154:5 154:10,15 155:25 156:5,10,16 158:8 158:11,15 <b>flank</b> 163:23 <b>flaw</b> 103:25 <b>flood</b> 49:2 <b>floor</b> 2:5 <b>floyd</b> 29:8,18 <b>fluid</b> 116:13 120:18 121:2 <b>follow</b> 164:25 <b>followed</b> 164:24 <b>following</b> 53:11 79:23 172:5,6 <b>follows</b> 4:5 <b>foot</b> 57:10 <b>force</b> 3:16 24:14 28:17 29:16,24 30:9,17,20,25 34:22 44:18,22 45:2,3,8,13,19,21	45:22 46:6,7,12 49:22 50:2,6,7,7 56:4,13 57:7,13,22 57:24 60:17 63:10 63:17,19 64:12 75:9 84:8 94:22 97:9 127:9 138:5 147:14 148:5 157:3,10,12,14 159:22 <b>forced</b> 127:7 <b>forces</b> 32:4 42:2 45:15 46:13 54:15 54:20,22 55:7,14 58:6 64:5 74:14 81:2 94:18 137:14 <b>foregoing</b> 167:8 <b>forget</b> 63:2 123:20 136:25 147:19 <b>form</b> 3:12 <b>formalized</b> 82:10 82:22,24 83:19 <b>formation</b> 35:2 118:24 122:12 <b>formations</b> 34:21 34:24 35:2 69:21 82:14 118:23 122:10 <b>formed</b> 95:16 <b>former</b> 21:2 <b>forster</b> 2:15 <b>fort</b> 105:22 <b>forth</b> 170:7 <b>forty</b> 96:21 <b>found</b> 123:9 <b>four</b> 35:9 51:4,5 59:14 83:15,22 84:3 111:22 112:2 114:12 <b>fourth</b> 44:17 55:17	<b>frequency</b> 36:24 <b>frequently</b> 55:5 <b>friday</b> 116:14 <b>front</b> 12:25 38:14 45:23 157:18 163:20,21 <b>full</b> 4:7 88:2,6 89:24 90:5 <b>fulton</b> 125:11,24 126:12 127:14 <b>functional</b> 66:17 99:18 100:10,11 <b>funnel</b> 127:3 <b>furhood</b> 105:20,23 107:7,11 108:3,10 109:11 <b>furnished</b> 3:20 <b>further</b> 3:11,14,18 170:9 <b>future</b> 19:7 <b>g</b> <b>g</b> 4:2 <b>galvin</b> 2:15 <b>game</b> 68:16 <b>games</b> 88:20 <b>gear</b> 55:23 <b>general</b> 88:12,15 <b>geographical</b> 58:9 <b>geography</b> 121:3 <b>george</b> 1:3 <b>getting</b> 35:13 69:22 76:2 93:24 122:24 <b>give</b> 15:18 19:2 21:8 22:17 36:19 36:24 42:25 66:9 66:18 70:20 72:3 72:25 73:7,23 74:19 97:20,25 98:4,7 115:8 116:16 118:19	119:9 128:25 129:6 130:14,20 130:20 131:11,19 135:10 154:4 163:10 <b>given</b> 27:2 51:11 55:22 59:24 71:25 72:16,20 73:13,22 74:13,21 75:20 76:18 77:13,15,19 94:13 134:24 135:7 136:12,14 138:3,4 153:6 160:10 161:14 162:10,15,17 164:16 165:22 170:9 <b>giving</b> 8:9 58:23 73:24 90:18 165:2 <b>go</b> 5:15 9:3,13,13 17:11 20:8 22:3 23:23 28:2 35:22 35:24 36:6 59:14 61:25 62:13,18,19 62:22 63:15,21 67:9 74:3,12,20,25 75:12,14 76:23,24 78:7,8,14,19 83:2 83:15 84:7,9 86:15 93:20 95:24 97:23 108:10 114:24 117:14 118:25 121:24 122:22 123:8,11 147:17 150:13 151:22,23 154:19 154:25 155:3,16 160:3 161:17 162:8 163:19 165:23
--	---	--	--

[goes - inch]

Page 12

<b>goes</b> 44:8,12,14 70:6 73:17 78:24 163:20 <b>going</b> 4:21 5:15 8:24 12:6 13:12 13:14 17:11 23:15 28:6 31:9 37:2,6 46:6 50:14,16 53:4 59:16 61:15 62:10 64:7,10 66:2 68:3 74:10 78:22 79:24 86:9 87:25 88:6,25 90:16 98:10 105:8 109:20 111:21 112:20 113:8 118:24 120:23 123:19 143:15 146:14 147:3 151:11,13 152:2,4 155:2,16,23 162:22 164:20,23 <b>good</b> 88:21 105:17 105:19 129:6 132:21 154:7 156:22 <b>grab</b> 12:7 <b>granted</b> 125:22 <b>group</b> 57:14 58:3 58:8 83:5 155:6 157:23 <b>groups</b> 36:2 <b>guess</b> 5:6 13:22 16:5 <b>guessing</b> 13:13 <b>guidelines</b> 5:17 86:11 111:17 112:9 169:3 <b>gym</b> 29:2	<b>h</b> <b>h</b> 25:9,9 105:21,23 <b>half</b> 115:8,9 <b>hand</b> 122:9 170:15 <b>handcuff</b> 163:25 <b>handful</b> 145:7 <b>handle</b> 67:15 68:14 78:8 161:15 <b>handled</b> 66:20 <b>handout</b> 71:25 78:19,21 <b>handouts</b> 66:19 72:3 79:25 138:11 <b>hands</b> 81:15,18,21 <b>happen</b> 46:5 55:5 68:25 <b>happened</b> 31:5 47:14 48:9 61:22 61:23 69:2 121:23 125:8 133:18,20 134:5 136:25 <b>happening</b> 35:22 66:20 89:2,6 120:20 122:2 <b>happens</b> 20:8 61:21 93:24 94:2 119:2 122:3 <b>happy</b> 43:6 <b>hard</b> 128:15,25 130:20 <b>harry</b> 91:25 92:3 <b>haven</b> 120:10,11 120:12 <b>hazard</b> 5:6 16:5 <b>hazmat</b> 55:18,21 56:5,9 57:3 59:17 59:21 60:4,6,9,13 60:19,24 63:24 64:6 76:14 <b>hear</b> 6:3 73:11 113:20 154:20	<b>heard</b> 13:19 116:21 120:4 <b>hears</b> 73:9 <b>heels</b> 162:3 <b>held</b> 1:20 22:7 27:11 28:4 30:13 150:16 160:5 <b>help</b> 6:12 47:5 140:7 <b>hereto</b> 3:7 <b>hereunto</b> 170:14 <b>hesitated</b> 56:14 <b>high</b> 35:7,8 42:21 42:23,23,24 43:2 54:12 68:16 83:12 110:4 137:3 <b>history</b> 23:24 124:10,11 153:21 156:9 <b>holiday</b> 116:18 <b>hood</b> 105:22 <b>hoping</b> 53:10 133:15 <b>hour</b> 15:18 83:8 85:7 105:8 <b>hours</b> 6:25 7:4 15:22 44:7 62:17 83:2,4,16,17,22 84:2,3 85:7,8 <b>housing</b> 97:6 <b>hundred</b> 96:16,21 119:8 154:14 158:7 <b>hundreds</b> 145:6	<b>identification</b> 12:17 33:22 37:15 37:20,25 38:5 52:11 85:25 87:9 87:13 91:8 98:17 106:7 111:15,19 135:17,24 142:7 146:23 149:18 150:6,12 160:25 <b>identified</b> 29:14 31:6 40:23 41:8 41:14 45:19 48:12 49:9,14 50:20 63:23 65:3 83:21 85:3,10,14 105:4 114:19 127:18 152:16 154:6 <b>identifies</b> 38:21 41:24,24 42:10 99:10 114:13 <b>identify</b> 28:12 31:11 38:19 41:11 41:22 52:18 53:3 54:16 56:6 64:17 84:13 86:17 94:12 <b>ii</b> 37:12 45:24 46:2 46:12 88:2,6 89:20,24 90:5 168:16 <b>image</b> 10:2 <b>imagine</b> 23:17 <b>impact</b> 68:16 96:24 97:4 136:9 136:23 137:2,4,6,7 <b>imperative</b> 171:12 <b>imposed</b> 114:14 <b>impossible</b> 117:24 <b>improper</b> 129:5 130:25 <b>inch</b> 16:6
	<b>i</b> <b>icahn</b> 28:21 42:5,9 42:11,13 <b>idea</b> 35:12 42:22 43:3 49:3 74:19 127:8 148:17		



[incident - jose]

Page 13

<b>incident</b> 33:2 126:17,17 127:18 133:7 163:7 164:21,22 165:15 165:23 <b>incidents</b> 121:10 <b>include</b> 10:22 14:7 67:4 69:25 73:19 86:20,23 87:2,5 90:22 156:2 <b>included</b> 85:10,14 102:16,23 103:10 108:3 <b>includes</b> 74:16 78:4 79:4 <b>including</b> 9:24 <b>incorporate</b> 139:11,13 <b>incorporated</b> 139:10 <b>incorrect</b> 163:9 <b>increase</b> 148:10 <b>index</b> 168:11 <b>indicate</b> 42:17 44:20 45:17 <b>indicates</b> 159:19 <b>indicating</b> 43:13 43:19 <b>individual</b> 5:12 60:24 86:8 104:7 159:7,9 161:18 162:2,17,21 <b>individually</b> 1:5 152:13 <b>individuals</b> 60:22 61:25 63:9 85:15 129:10,15 134:19 <b>inefficient</b> 163:4 <b>inform</b> 11:25 <b>information</b> 9:24 10:2,23 87:24	107:4 139:9,21 141:2,9 144:18,23 151:10 <b>informed</b> 13:11 <b>initial</b> 59:20,24,25 62:5,10 76:2 157:6 <b>initially</b> 86:11 <b>inputs</b> 66:10 <b>inside</b> 39:19 106:19 <b>inspector</b> 26:15 58:14 <b>inspectors</b> 32:6 40:13,13 77:19,20 102:24,24 103:12 103:14 <b>instituted</b> 81:11 81:11,12,24 <b>instructed</b> 117:9 117:12 140:18 163:17 <b>instruction</b> 17:12 31:10 67:4,20,23 68:5 69:25 70:5,6 70:20 74:13 81:20 89:24 90:5,21 101:18 102:5,8,11 122:13 162:4,10 <b>instructions</b> 22:17 68:8 72:20 148:2 171:1 <b>instructor</b> 123:22 <b>instructors</b> 59:5 <b>intac</b> 76:22 77:4 77:11,13 80:2,6 151:12,16,19 152:7,12,16,19 <b>interacted</b> 134:23 <b>interested</b> 170:12	<b>internet</b> 122:17 <b>interpretation</b> 146:10 <b>intimidates</b> 159:21 <b>introduction</b> 84:20,22,23,25 <b>involve</b> 39:23 40:2 40:17 51:19 66:22 67:17,23 68:4,7 69:17 93:16 99:24 100:2,5,11,14,17 100:24 101:2,5,12 101:15,19,24 102:2,5,8,11 143:23 <b>involved</b> 35:13 39:10 90:6 94:5 115:15 <b>involves</b> 40:24 41:9 153:6 <b>involving</b> 71:6 87:5 89:25 <b>island</b> 28:21 29:17 34:18,19,25 35:16 36:4,9 42:4,9,11 42:14 45:10 83:14 88:3 <b>issue</b> 65:2,4 67:2 68:17 74:12 114:18,21 155:4 156:15 <b>issued</b> 17:22,23 19:9 51:15,16 <b>issues</b> 75:6 78:2 110:15 155:2 <b>item</b> 8:20 40:23 140:9 142:12 159:23 <b>items</b> 81:24 85:13 85:18 109:2	<b>j</b> <b>j</b> 4:2 91:25 92:3 <b>january</b> 27:3 <b>javits</b> 39:8,16,18 39:21 43:19,20 <b>jersey</b> 60:6 64:3 <b>job</b> 5:11 22:4 62:23 63:25 76:3 95:18 <b>jobs</b> 120:13 <b>john</b> 58:14 <b>joining</b> 11:4 <b>jon</b> 2:7 <b>joni</b> 2:15 <b>jose</b> 1:18 4:1,9,17 5:1 6:1 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 74:1 75:1 76:1 77:1 78:1 79:1 80:1 81:1 82:1 83:1 84:1
--	---	--	--

[jose - line]

Page 14

85:1 86:1 87:1 88:1 89:1 90:1 91:1 92:1 93:1 94:1 95:1 96:1 97:1 98:1 99:1 100:1 101:1 102:1 103:1 104:1 105:1 106:1 107:1 108:1 109:1 110:1 111:1 112:1 113:1 114:1 115:1 116:1 117:1 118:1 119:1 120:1 121:1 122:1 123:1 124:1 125:1 126:1 127:1 128:1 129:1 130:1 131:1 132:1 133:1 134:1 135:1 136:1 137:1 138:1 139:1 140:1 141:1 142:1 143:1 144:1 145:1 146:1 147:1 148:1 149:1 150:1 151:1 152:1 153:1 154:1 155:1 156:1 157:1 158:1 159:1 160:1 161:1 162:1 163:1 164:1 165:1 166:1 167:7,16 168:1,4,4 169:1 172:20 <b>joseph</b> 2:17 <b>judge</b> 125:21 126:11 <b>judgment</b> 125:22 <b>july</b> 26:8,8,12 92:11 <b>june</b> 24:2 25:25 53:5,15,17 92:11 <b>justify</b> 117:24	<b>k</b> <b>keep</b> 65:13 122:20 145:3 <b>keeping</b> 44:21 95:20 <b>kept</b> 32:3 45:20 62:23 122:9 <b>kettling</b> 126:25 127:11 <b>kind</b> 9:24 10:16 35:19 122:23 <b>know</b> 6:7,9,10,14 8:18 9:3,18 10:9 10:17 11:5 18:23 19:15 21:25 22:3 22:4 34:6 36:23 49:4 51:6,22,25 52:2 53:7 57:17 68:17 74:11 75:3 75:5,23,25 76:8,20 77:22 78:2,3,7,9 78:14 79:17 80:15 81:9,10,23 87:15 88:25 89:5 93:10 105:20,24 107:8 107:16,19 110:19 113:21 123:19,21 128:17,22 129:14 130:22 131:25 132:19 133:20,23 138:13,14,17 140:20 144:25 145:2,3,4,20,22 149:23 <b>knowing</b> 35:22 <b>knowledge</b> 66:10 107:3 131:12 141:7,19,22,24 <b>known</b> 99:19 <b>knows</b> 9:20	<b>l</b> <b>l</b> 2:14 <b>lack</b> 147:4 <b>lady</b> 14:18 128:20 <b>lane</b> 115:10 <b>large</b> 28:18,21 54:21 58:3 94:20 157:22 <b>larger</b> 83:14 127:10 <b>larry</b> 1:4 <b>lasts</b> 61:9 <b>late</b> 14:3 26:12 69:6,9 88:19 <b>law</b> 2:10 7:25 14:16 52:2 70:5,6 75:4,13 146:5,7,10 157:25 <b>lawsuit</b> 125:18 <b>lawsuits</b> 124:23 125:4 <b>layman</b> 55:22 <b>laymen</b> 145:3 <b>laymen's</b> 44:7 <b>leadership</b> 33:20 34:8 77:6 168:14 <b>leading</b> 112:11 <b>learn</b> 62:25 <b>learned</b> 63:2 <b>leave</b> 26:4,7 74:2,8 74:9,20 164:16 165:3 <b>leaving</b> 35:11 <b>lecture</b> 65:23 70:25 81:15,19,20 101:14 136:23,24 138:8,9,10 <b>lectures</b> 65:20,21 136:9 <b>leeway</b> 119:6	<b>left</b> 25:16 26:15 137:4 <b>legal</b> 14:23 16:18 17:2,8,21,24 18:3 18:23,24 37:17,22 51:18,23 72:24 74:22 107:25 108:6 109:14,19 117:4 118:12 139:17 168:17,19 <b>legalities</b> 84:19 137:16 139:19 140:6 <b>legality</b> 110:24 140:21,25 <b>legs</b> 164:4 <b>lesson</b> 18:9,17,19 18:20,23 126:21 <b>lethal</b> 84:17 <b>letters</b> 107:9 <b>level</b> 37:12 45:23 46:2,2,3,4,6,8,12 46:23 64:6 81:7 88:2,6 89:20,24 90:5 157:12 168:16 <b>levels</b> 40:6,8,9 77:14 157:10 <b>lieutenant</b> 32:2,6 32:19 80:24 <b>lieutenants</b> 40:12 41:18,19 65:8,19 77:16 102:20 103:18 136:10 137:5,7,25 <b>lift</b> 163:25 164:5 <b>limitation</b> 114:14 <b>line</b> 34:21 42:10 43:23 69:20 110:3 118:23,23 168:3,5 168:12 172:8
---	---	---	---

[lines - meeting]

Page 15

<b>lines</b> 34:23 43:13	149:22 152:22	<b>mails</b> 20:16	150:10,18,21
<b>list</b> 37:4 41:16	156:18	<b>main</b> 35:14 75:16	156:19 160:23
<b>listed</b> 54:5 85:17	<b>looked</b> 109:2	<b>maintained</b> 10:18	<b>marriage</b> 170:10
97:15 144:9	125:3 126:4,7	<b>maintaining</b> 18:22	<b>maryland</b> 123:3,7
<b>lists</b> 103:24	<b>looking</b> 33:17	106:18	123:13,20
<b>little</b> 8:2 65:15	41:12 43:7 49:13	<b>major</b> 126:16	<b>mass</b> 18:21 35:2
116:5 120:23	53:24 59:17 68:18	<b>making</b> 162:5,20	69:21 70:24,25
159:10	87:16 99:9 106:11	164:18	71:23 72:4 82:15
<b>live</b> 131:16	114:12 131:15	<b>man</b> 156:7	110:3 135:9
<b>local</b> 46:5 47:5	136:18 147:8	<b>management</b> 84:5	137:14,15 150:4
<b>localized</b> 46:4	<b>looks</b> 132:12 163:4	84:16	153:3,11,24
<b>located</b> 28:18,24	<b>lost</b> 124:4	<b>manhattan</b> 24:13	154:13,23 155:11
29:25 30:3	<b>lot</b> 28:22 29:8	24:25 28:25 45:8	156:2 160:14,15
<b>location</b> 28:13	31:15 36:21 39:21	45:8 46:11,11	161:8
29:24 30:6,18,25	39:22 42:5 43:4	97:9	<b>materials</b> 80:10
43:2,3 58:10 60:9	70:16 88:13,22	<b>manner</b> 112:21	138:7 152:7
73:23 74:16	116:15,15 119:9	115:3 141:20	<b>matter</b> 12:2,4
144:15,18 152:3	120:22 124:20	<b>map</b> 66:18	143:25 144:3
155:20	132:11,13,17	<b>march</b> 24:9 48:11	170:13
<b>locations</b> 27:14	159:11,12	99:7 115:7 136:14	<b>meacham</b> 1:4
29:11,14,19 30:4	<b>It</b> 80:22 82:22	136:15,19 148:19	<b>mean</b> 9:24 20:15
58:10 60:2 144:12	139:17 140:7,12	149:9	49:8,12 54:16
<b>logic</b> 141:7,11	140:18 141:21,24	<b>marching</b> 130:6	58:22 62:25 74:2
<b>logistical</b> 55:6	<b>lunch</b> 105:8,11	<b>mark</b> 12:11 33:14	82:6 84:23 95:3
65:4 165:14	<b>m</b>	37:10 52:7 85:20	104:4,7,11,12
<b>loitering</b> 106:20	<b>m</b> 1:21 58:15 59:9	87:8 91:3 98:10	144:11 154:5
107:5	170:4,18	106:2 111:14	157:16
<b>long</b> 15:17,21 21:7	<b>m4</b> 57:11,14 58:18	135:12,19 142:2	<b>meaning</b> 45:2
24:8,15 25:22	59:11,13 76:12	146:18 149:13,25	<b>means</b> 35:25 45:4
46:20 62:9 74:11	<b>m5</b> 58:17	160:19	49:18 74:8 77:23
86:10 128:3	<b>ma'am</b> 165:20	<b>marked</b> 12:15,19	81:20,21 85:15
132:21 136:25	<b>mail</b> 16:13,16	33:16,21,25 37:13	104:5 112:18,24
<b>longer</b> 57:3,25	22:25 23:4 86:7,9	37:18,23 38:4,12	113:7,11
151:20	86:13,14 135:22	51:3 52:9,16	<b>meant</b> 36:5,6
<b>longstanding</b> 67:2	136:18 137:11	85:24 86:4 87:12	153:22
<b>look</b> 15:24 16:3,7	142:5,16,18 146:2	91:7 98:16,22	<b>medication</b> 7:18
22:20 51:2,4	146:21 147:12,14	106:6,13 111:18	<b>medications</b> 7:14
52:15 95:10 98:13	147:22 149:16	135:16,23 136:3	<b>meet</b> 14:4 15:2,6
106:12 111:23	151:3,5 169:5,6,7	138:21 142:6,10	<b>meeting</b> 14:19
121:2 123:7,9,14	169:8,9	146:22 147:8	15:11,17,21 16:11
136:2 138:20,22		149:17,21 150:5	16:12 19:24 20:16

[meeting - new]

Page 16

20:17 22:24 147:16,17 <b>member</b> 55:9 77:5 165:18 <b>members</b> 33:10 40:7 44:23 45:18 55:11 57:12 60:17 60:19 63:13,15,16 63:18 68:13 74:24 75:10 76:21 77:10 77:14 93:3,7,19 94:23 95:6,22 96:2,6,9,13,16,19 96:21,25 97:3,6,8 97:13,21 102:16 104:5 118:16 148:18 165:25 <b>memo</b> 85:23 87:11 91:6 92:22 135:15 141:12,16 149:2 162:11 163:13 168:22,23,24 169:4 <b>memory</b> 28:15 79:4 123:15 <b>memos</b> 141:13 <b>mental</b> 7:10 <b>mention</b> 70:23 <b>mentioned</b> 1:21 12:14 33:19 37:12 37:17,22 38:3 52:9 85:23 87:11 91:6 98:15 106:5 111:17 119:13 132:22 135:15,22 142:5 146:21 149:16 150:4,9 156:8 160:22 <b>mesh</b> 126:19,23 <b>message</b> 36:10 72:16 113:8,10,12	113:20 143:6,9 148:22 <b>met</b> 13:15 15:8,14 15:16,19,25 16:8 18:7 <b>michelle</b> 1:4 <b>middle</b> 108:23 113:14,16 <b>minimal</b> 114:15 <b>minimum</b> 63:7 <b>minute</b> 12:7 28:7 129:24 <b>minutes</b> 15:22 21:8,22 39:15 44:9 83:8,13 128:5 129:17,20 130:2 133:18,20 134:5 <b>misconduct</b> 135:3 <b>missing</b> 47:2,3 <b>mistake</b> 71:22 <b>mittell</b> 14:20 15:5,9 <b>mix</b> 89:13 <b>mntf</b> 24:15 <b>mob025</b> 42:16 <b>mob063</b> 42:17 43:8,12,13 <b>mobex</b> 35:20,21 <b>mobile</b> 35:17 37:4 81:18 97:17 <b>mobilization</b> 29:4 35:20,25 36:7,17 37:13 38:20,22 41:3 42:6,7,20 43:15 45:12,24 46:3,12 47:4,8 48:21,23 49:7 54:6,11,18,19,21 56:7 62:8 83:12 84:18 88:2,7 89:8	89:12,20,25 90:6 168:16 <b>mobilizations</b> 41:25 42:3,19 46:17,23 47:11,23 47:24 <b>modern</b> 124:13 <b>moment</b> 54:25 130:10 <b>monday</b> 14:11 39:5 <b>money</b> 49:5 <b>month</b> 38:3 48:17 53:5 168:20 <b>months</b> 13:11,18 13:20,23 53:2,4,11 53:14,24 75:11,12 76:2 123:6,21 <b>morning</b> 44:11,12 <b>mos</b> 31:20 45:18 <b>move</b> 74:11 115:5 <b>movement</b> 91:21 92:21 93:5,9 <b>movements</b> 110:3 <b>mso</b> 61:10 <b>multiple</b> 104:8 124:23 125:15,18 127:21 <b>multipliers</b> 157:4 <b>mumbasi</b> 156:8 <b>municipal</b> 1:9 <b>munitions</b> 84:17 <b>mustered</b> 49:10  <b>n</b> <b>n</b> 2:2,14 59:9 168:2 <b>name</b> 4:7,15 14:19 19:20 34:22 47:15 49:2 56:15 59:7 105:14 122:21 157:4	<b>named</b> 156:8 <b>names</b> 144:21 145:11 <b>national</b> 57:6 108:9 110:7 112:12 124:16,19 124:25 125:9,11 140:4 <b>nations</b> 88:12,15 <b>necessary</b> 8:8 171:4 <b>necessitated</b> 67:3 <b>neck</b> 59:4,9,10 <b>need</b> 5:19,20 8:25 31:6 36:8 46:25 47:3 74:19 78:2 113:15 159:22 <b>needed</b> 63:24 66:2 66:3 94:19 139:18 139:23 <b>needs</b> 62:13 <b>neighborhood</b> 121:4,4 <b>never</b> 32:8 62:15 80:22 84:12 131:19 132:24 150:24 <b>new</b> 1:2,2,9,13,13 1:17,22 2:6,6,10 2:11,11 4:4,11,17 9:7,9,15,19 10:13 10:18,21,24 11:4,8 11:12,16 32:12,23 45:5 48:3,13,15 52:4 58:11 60:5 60:16 62:16 64:3 65:8,8,9 70:9 88:25 89:5,10 121:21 124:24 170:5
---	---	--	---

[newly - order]

Page 17

<b>newly</b> 32:21 65:19 <b>news</b> 121:12 123:5 <b>nice</b> 154:25 <b>nicer</b> 8:3 <b>night</b> 44:15 <b>nightmare</b> 55:6 <b>ninth</b> 25:19,22 <b>non</b> 35:6 114:23 <b>nonexecutives</b> 80:5 <b>nonviolent</b> 154:21 <b>normal</b> 95:18 96:2 <b>north</b> 24:14,25 45:8,9,10 96:23 97:9 <b>notary</b> 1:22 3:15 4:4 167:24 170:4 172:25 <b>note</b> 9:22 123:9 <b>noted</b> 80:11 147:7 152:11 171:10 <b>notice</b> 12:8,14,21 36:3,15 61:14 168:13 <b>notification</b> 18:12 19:4,6,10,12 <b>november</b> 92:17 97:11 <b>number</b> 49:9 71:14 73:5 99:9 103:7 111:25 112:17 128:16,17 143:3 144:4,16,22 145:2,17,24 157:11 163:6 <b>numbers</b> 97:16 104:6,17 144:24 145:4 159:11 <b>nypd</b> 10:12,16,18 10:23 11:3 16:19 23:24 27:15 38:3	62:19 65:22 84:18 86:9 95:22 96:2 98:15 127:22 136:25 168:20 169:1 <b>nypd's</b> 34:8 60:10 <b>o</b> <b>o</b> 2:14 4:2 58:15 59:9 105:21,21,23 105:23 <b>o'clock</b> 44:10,11 44:12 105:7 146:14 <b>oath</b> 7:24 8:3 <b>objection</b> 27:16 61:12 75:22 109:22 125:25 130:16 132:18 134:25 143:14 <b>objections</b> 3:12 <b>observed</b> 127:17 129:11 <b>obviously</b> 8:2 69:14 71:13 73:12 76:5 79:22 94:9 <b>occupied</b> 20:4 <b>occupy</b> 47:7,9,10 47:15,18 61:19 88:25 89:9 91:20 92:20 93:4,8 94:7 94:8,11 97:14 108:23 109:4,8,15 109:18,21 110:18 114:10 142:21 143:23 144:5 165:17,24 <b>occur</b> 89:9 110:17 120:16,17,18,19 <b>occurred</b> 31:11 39:18 82:13 92:15 110:19 131:25	<b>occurring</b> 43:5 88:23 130:13 163:6 <b>occurs</b> 120:15,25 121:14 157:14 <b>october</b> 88:20 170:15 <b>odds</b> 132:21 <b>offered</b> 54:3 60:10 61:18 65:18 <b>offering</b> 64:4 <b>office</b> 2:9 4:14 19:11,13 105:15 <b>officer</b> 2:15 21:3 26:18 31:21,25 41:13 52:20,21,25 53:3 58:12 73:10 79:14 80:23 86:8 87:23 91:17,17,22 92:5 99:2,3 131:7 140:5 142:18 147:13 157:20,24 <b>officers</b> 31:22 32:18 36:2 40:11 41:20 43:4 46:21 49:9 58:7 73:12 74:23 77:16 78:18 79:8 96:3 102:20 103:3,7,22 104:7 109:20 112:25 130:14 135:4 137:3 144:12,13 144:16,21 145:5,6 147:14 151:19,21 159:13,24 161:19 162:19,25 163:12 163:17,19,21,22 164:3,7,18 <b>officials</b> 127:22 <b>oh</b> 123:12,20	<b>okay</b> 5:18 6:23 10:19 17:15 28:2 46:3 47:21 49:19 51:9 70:17 74:4 95:12 112:3 133:16 162:21 166:6 <b>old</b> 28:24 79:13 138:5 147:12 <b>omnipresence</b> 150:9 157:11,13 157:15,19,21,25 158:20 169:10 <b>once</b> 5:4,15 13:13 24:4 63:5,5,6,7 77:22 120:5 124:9 128:9,24 129:13 163:3 <b>ones</b> 42:3 64:21 79:11 83:14 84:14 85:3,4 122:14,18 <b>ongoing</b> 55:4 66:2 <b>open</b> 29:6 84:8,10 88:16 121:25 133:2,4,6 134:7,10 134:12 <b>opened</b> 128:23 <b>operations</b> 29:10 32:23 34:23 52:22 52:23 57:7 65:11 65:14,17,24 91:18 91:23 92:5,9,11 99:3,21 101:10,11 101:15,19 <b>opinion</b> 128:25 129:3,6,9 131:19 <b>orange</b> 126:18,23 <b>order</b> 19:3 55:24 73:16,18,20,24 74:8,10,15 106:18 120:13 164:16,19
--	--	---	---



[order - place]

Page 18

165:19,21,22 <b>ordered</b> 162:10 164:21 165:4 <b>orders</b> 72:21,23,24 73:4,7,11,13 87:3 90:7,9,11,18 100:6 148:2 152:10 164:12 <b>organized</b> 58:3 95:7 96:10,11 <b>organizer</b> 115:8 <b>original</b> 171:12 <b>originally</b> 136:8 <b>outcome</b> 170:12 <b>outs</b> 18:11 <b>outside</b> 42:5 107:17 126:2 144:7 <b>overall</b> 154:3	<b>paragraph</b> 117:22 119:7 <b>park</b> 13:20 <b>parking</b> 28:22 29:8 39:21,22 42:5 <b>part</b> 12:5 53:16 63:10,11 66:6 70:3 71:23 72:6 73:12 74:25 75:4 82:19 84:14 85:4 85:6 89:9,16,19,24 90:12,14,17 93:11 93:11 108:6,19 109:15 112:15 114:21 115:12 116:8 117:7 128:4 128:20 133:5 138:12,15 152:16 153:11,25 154:3 157:9 160:13 161:7 162:7 <b>participated</b> 111:5 111:11 <b>participating</b> 40:16 <b>particular</b> 10:16 88:5 <b>parties</b> 3:7 105:17 170:11 <b>parts</b> 18:25 83:25 129:7 <b>pass</b> 162:24 <b>passed</b> 71:20 <b>passive</b> 156:4,15 <b>patrick's</b> 48:15,18 <b>patrol</b> 36:23 39:13 45:7,7 46:10 49:22,24 50:4,9 63:14,20 67:12 68:14 77:17 94:23	94:25 95:4 96:22 96:23 97:3,8 137:13 151:21 <b>patrolling</b> 95:20 <b>pay</b> 81:7 <b>peaceful</b> 117:25 119:5,5,9 159:16 <b>pedestrian</b> 131:24 <b>pedestrians</b> 131:21 <b>people</b> 32:24 35:3 35:21 36:23 39:13 44:9 45:14 49:24 50:2,9 62:19 63:4 64:5 67:12 71:9 71:20 74:19 94:5 94:20,22 95:8 97:15 103:24 108:7 112:19 115:9 116:15 119:5,8 120:9,22 120:23,23 121:16 122:11 124:9 127:7,9 128:18 130:5,9 132:2,14 145:13 154:24 155:14,17,18 157:19 158:24 162:24 163:3,9,14 164:16 <b>percent</b> 49:4,5 93:23,25 94:4,13 153:6,12,13,16,19 153:19,20,23,25 154:2,6,10,14,15 154:17,18 155:25 156:5,10,15,16 158:8,8,9,11,13,15 158:17 161:24 <b>percentage</b> 153:18 156:6	<b>percentages</b> 155:23 <b>perception</b> 49:4 <b>period</b> 26:19 28:16 47:25 55:4 65:9 69:12 97:11 99:6 144:8 166:4 <b>perishable</b> 62:24 <b>person</b> 15:15,16 21:25 22:2,16 47:3 62:18 71:18 82:11 120:8 131:11 139:19 154:19 160:16 161:19,22 162:6 163:19,24 164:2,5 <b>person's</b> 130:24 <b>personal</b> 5:10 6:21 143:25 <b>personally</b> 5:8 32:8,13 <b>personnel</b> 44:24 45:22 56:5 58:4 <b>persons</b> 78:5 <b>perspective</b> 18:23 <b>pertain</b> 70:8 <b>pertained</b> 144:6 <b>pertaining</b> 16:17 17:5 29:4 81:3 106:20 137:19 161:8 <b>phases</b> 82:13 <b>phone</b> 15:15 143:3 145:4 <b>phonetic</b> 81:8 <b>physical</b> 7:6 <b>picking</b> 88:17 <b>place</b> 1:21 34:18 42:4 44:4 48:24 49:6 59:2 64:11 82:20 99:11
<b>p</b>			
<b>p</b> 2:2,2,14 <b>p.m.</b> 44:7,8 105:10 166:7,9 <b>packard</b> 1:3 <b>page</b> 42:15 43:11 44:17 45:23 49:15 68:19 81:14 106:5 111:22,22,24,25 114:12 151:2 157:2 167:13 168:3,5,12 169:2 172:8 <b>pages</b> 44:16 49:15 86:10 167:9 <b>pamphlet</b> 78:22 78:24 <b>paper</b> 9:25 <b>paperwork</b> 136:7 <b>parade</b> 48:16,19 66:9 68:16			

[place - protest]

Page 19

112:20,21 132:5,5 163:11 <b>placed</b> 162:23 163:15 <b>plaintiffs</b> 1:7,19 2:4 <b>plan</b> 18:23 38:3 53:5 99:22 101:23 120:21 151:12 168:20 <b>planned</b> 46:20 <b>planning</b> 120:19 <b>plans</b> 18:10,17,19 18:20 19:8,18,22 126:21 <b>platoon</b> 43:25 44:5 44:6,8,11,14 <b>play</b> 67:5,25 155:10 <b>played</b> 68:10 <b>playoff</b> 88:19 <b>playoffs</b> 88:18 <b>plaza</b> 31:7 95:9 96:17 <b>please</b> 4:7 9:22 28:12 37:10 70:13 80:14 171:3,7 <b>plt</b> 43:24 <b>point</b> 10:8 24:12 24:18,20 25:10,11 26:4,6,10 54:9 64:16 65:5 68:3 68:18 72:4,5,12 77:18 92:8 106:19 106:22 110:18 111:21 148:10 153:3 155:13 157:3,3,4 158:3 159:20 161:7,11 162:8,12	<b>points</b> 53:19,21 68:11 138:10 <b>police</b> 18:25 28:23 29:17 30:7,8,18 31:7,21,25 34:9 36:13 40:11 41:13 41:20 43:4 45:6 46:18,21 49:9 50:11 69:6 77:6 77:16,25 79:21 80:3 93:8,11 95:9 96:3,17 101:6 102:20 103:22 107:22 112:25 127:23 128:11,19 128:23 129:4,10 130:23 134:22 137:3 141:13 144:3 150:9 151:20 155:8 157:7,11,13,23,24 158:19,24 159:13 169:10 <b>policing</b> 87:6 101:20 102:12 109:21 112:25 <b>policy</b> 10:16,17 <b>possible</b> 35:12 155:22 <b>post</b> 18:22 32:22 32:25 34:14 50:19 50:25 61:19 65:6 65:11,14,17,23,24 66:4,25 67:3,10 68:12 83:10,10 84:5,7,10,16 99:20 101:10,11,14,19 <b>posts</b> 83:10 84:9 <b>power</b> 72:4,5,12 106:19,22 138:10 153:3 155:13	157:2,3,4 161:7,11 162:8,12 <b>practice</b> 62:25 <b>practicing</b> 43:4 <b>precinct</b> 24:7 25:19,23 39:6 42:8,13,19,22 43:9 43:16,21 44:24 45:12,18 46:9 47:6 50:13 <b>precincts</b> 42:21 50:10 <b>preparation</b> 15:3 15:7 18:4 20:22 <b>prepare</b> 23:2 <b>prepared</b> 12:22 13:2,5 <b>preparedness</b> 60:8 64:2 <b>preparing</b> 13:8 <b>preplanning</b> 147:16 <b>presence</b> 131:9 158:24 <b>present</b> 4:10 14:18 41:17,20 73:14 115:15 116:8,20 117:7,19 140:21 140:22,24 157:12 157:20 158:2 164:11,13 <b>presumably</b> 49:15 <b>presume</b> 152:5 <b>previously</b> 127:16 131:6 151:16 153:5 <b>printed</b> 145:22 <b>prior</b> 9:3 21:17 51:12 55:4 58:23 59:3 69:14 139:5 162:5,9	<b>privacy</b> 2:15 <b>probable</b> 33:4,7 39:24 66:23 67:17 67:20 68:4 69:18 98:2 130:14 131:12 134:18 <b>probably</b> 14:2 73:13 89:7 107:25 144:22,23 145:12 156:10 <b>problem</b> 64:24 119:11 122:4 <b>proceedings</b> 166:10 <b>produced</b> 23:18 <b>production</b> 79:25 <b>profile</b> 35:7,8 110:4 <b>prohibits</b> 117:25 <b>promoted</b> 24:18 24:20,22 25:13,18 32:21,24 52:23 65:10,19 <b>promotion</b> 27:3 <b>proof</b> 130:24 <b>proper</b> 36:25 90:7 90:9 101:20 102:12 129:4 130:20 <b>properly</b> 73:16 93:8,10 101:6 131:14 <b>proposal</b> 80:21 81:2 <b>proposed</b> 80:21 82:4 <b>protect</b> 117:16,16 <b>protection</b> 60:4 <b>protest</b> 35:4 48:13 66:9 73:24 74:16 78:5 87:6 88:13
--	--	--	---

[protest - recognize]

Page 20

89:2 90:22,23 93:23 94:4 98:8 100:18 101:5 102:14 110:11,15 110:22,22 111:12 112:25 113:9,14 114:20,22 115:2 116:3 120:15,16 120:20,25 123:25 125:11 148:11 149:10 152:9 153:12 154:19,21 162:18 165:13,16 <b>protester</b> 114:23 161:15,21,23 165:3 <b>protesters</b> 120:2 120:11 125:22 134:23 155:6 <b>protesting</b> 112:19 115:10 116:13,14 119:25 124:13 <b>protestor</b> 71:21 117:16 161:11 165:11 <b>protestors</b> 40:3 127:4 <b>protests</b> 40:4 67:6 67:25 68:10 70:22 71:7 87:3 90:2 93:13,15 101:6,21 101:22 102:13 108:17 124:24 153:7,13,18,20 154:7,15 156:2 160:8,11,13,14 <b>protocol</b> 137:12 <b>protocols</b> 137:15 164:24 165:2 <b>provide</b> 113:18,25 114:3 119:24	120:10 165:14 168:7,8,9,10 <b>provided</b> 23:4 27:14 113:23 114:4,6 117:5 <b>provides</b> 61:6 <b>providing</b> 112:18 119:17 <b>psb</b> 49:17,21 50:3 50:9,12,21 63:16 <b>psm</b> 63:13 <b>public</b> 1:22 3:16 4:4 19:3 43:6 87:24 106:18,21 112:2 113:22 114:16,18,21,21 116:5,16 117:17 118:2 119:20,25 120:11 167:24 170:4 172:25 <b>published</b> 86:12 <b>pulling</b> 36:23 <b>purpose</b> 71:21 <b>pursuant</b> 1:19 125:18 <b>put</b> 23:14 31:8 55:23 113:19	133:11 134:3 165:8 <b>quick</b> 37:7 72:6 <b>quickly</b> 35:12 46:19 155:4,21 <b>quote</b> 147:21,23	<b>reading</b> 73:2 165:2 <b>ready</b> 13:5 32:24 69:22 88:14,22 92:20 93:11,21,24 164:8 <b>real</b> 71:16 <b>really</b> 124:18 130:18 <b>reap</b> 109:25 <b>rear</b> 163:24 <b>reason</b> 6:16 56:13 60:14 134:18,20 171:5 172:10,12 172:14,16,18 <b>reasons</b> 39:10 113:22 127:7 161:20 172:6 <b>recall</b> 13:17 18:6 19:14 29:11,22 33:12 48:6,7 79:11 139:7 143:13,22 <b>recalls</b> 143:18,20 <b>receipt</b> 171:14 <b>receive</b> 16:10 50:18 70:4 76:21 77:23,25 112:14 137:10 152:12,15 <b>received</b> 16:13 41:14 50:21 137:12 152:14,19 <b>receiving</b> 22:24 <b>recess</b> 12:10 28:9 37:9 105:12 146:17 <b>recognize</b> 87:19 106:15 112:7 147:9 150:23 156:23
	<b>q</b>	<b>r</b>	
	<b>qualification</b> 59:5 <b>qualify</b> 60:18 <b>quantify</b> 128:15 <b>quarterly</b> 54:14 <b>queens</b> 45:9,10 <b>question</b> 3:12 5:25 6:3,6,10,13,22 8:14,17 17:14 67:16 74:5 111:8 115:23 133:13,14 134:11 <b>questions</b> 4:22 5:20 6:20 70:15	<b>r</b> 2:2,14 59:9 105:21,23 172:1,1 <b>radio</b> 36:12,13 <b>radiological</b> 55:20 <b>raganella</b> 21:3,5 26:10,15 79:14 136:19 140:5 143:4,10 147:13 147:21 <b>raised</b> 155:24 <b>ran</b> 83:8,13 <b>randall's</b> 28:20 29:17 34:18,19,25 35:16 36:3,9 42:4 42:9,11,14 83:14 88:3 <b>range</b> 59:4,6 151:25 <b>rank</b> 26:25 32:5,9 32:18 61:10 104:5 <b>ranks</b> 31:21,21,22 31:25 33:10 40:10 41:13 77:14,15 102:17 104:18 <b>raphael</b> 156:8 <b>rapid</b> 50:8 <b>rarely</b> 124:20 <b>reach</b> 36:2 63:25 <b>react</b> 158:24 <b>read</b> 8:6 23:5 159:19 163:9 164:12 165:21 167:8 171:3	



[recollection - riotous]

Page 21

<b>recollection</b> 8:18 8:22 106:25	99:19 100:22,23 107:20 108:2	38:4 52:10 85:24 87:12 91:7 98:16	<b>restricted</b> 114:14 116:3
<b>record</b> 4:8 9:25 17:18 22:6,8 27:10,12 28:3,5,11 30:12,14 34:3 38:8,11 98:20 147:2 150:14,17 160:4,6 161:3 166:8 170:8	<b>refreshers</b> 57:12 60:21	106:6 111:18 135:16,23 142:6 146:22 149:17 150:5,10 160:23	<b>restriction</b> 112:21 115:16 117:25
<b>recorded</b> 9:24	<b>regarding</b> 51:24 75:6 86:20,23 87:2 110:21 124:24 126:11 152:8	<b>representative</b> 9:9	<b>result</b> 153:7
<b>recording</b> 8:19	<b>regular</b> 82:5,7 151:20	<b>representing</b> 3:19 11:24	<b>results</b> 91:19
<b>recruit</b> 31:14 68:23 71:2,5 75:4 95:24 151:9,14,17 151:18	<b>regulations</b> 1:20 132:5	<b>republican</b> 108:9 110:7 112:11 124:16,19,25 125:9,11 140:3	<b>retrain</b> 81:2
<b>recruits</b> 31:13 69:11,24 70:4,20 72:2,10,16 74:24 75:7,11,21	<b>reinforce</b> 121:15 123:5	<b>request</b> 79:23 80:9 147:3 152:5	<b>retraining</b> 59:18 60:13,21 61:2,4 62:14 64:9
<b>redacted</b> 142:24 143:2,10,12 144:19,24 145:19	<b>reinforcing</b> 122:13	<b>requested</b> 168:7,8 168:10	<b>return</b> 171:12
<b>redactions</b> 145:18	<b>related</b> 57:10 93:4 94:11 111:11 115:21 170:10	<b>requests</b> 23:16 168:5	<b>review</b> 12:18 18:8 18:16 19:7,23 20:3,11 33:24 38:17 41:5 51:7 51:12 80:14,17 84:18 86:3 91:10 98:21 112:4 142:9 145:17 150:20 156:20
<b>reduces</b> 159:22	<b>relating</b> 17:21	<b>required</b> 60:25 76:23	<b>reviewed</b> 16:21 18:4 19:5 20:13 20:15,18 78:25 138:15
<b>refer</b> 9:7,14 10:12 10:21	<b>relation</b> 97:14 98:2	<b>requirement</b> 62:12,17 73:23	<b>reviewing</b> 117:23 136:6 139:3
<b>reference</b> 151:6,8	<b>releases</b> 16:19	<b>reread</b> 23:6	<b>revised</b> 86:12,18
<b>referenced</b> 112:10	<b>relevant</b> 78:2	<b>rescue</b> 35:8,8,12	<b>revisit</b> 146:2
<b>referring</b> 9:8,14 10:13	<b>remember</b> 6:13 8:25 13:25 14:2 17:3,9,9 79:16 107:7 108:18 123:12,23	<b>reserved</b> 3:13	<b>rifles</b> 57:14
<b>refreshed</b> 8:19,21 62:7,8	<b>remind</b> 32:14 93:22	<b>resisting</b> 151:10	<b>right</b> 4:22 9:20 29:22 42:15 76:7 85:17 114:22 133:24 157:19
<b>refresher</b> 57:16 58:17,21,23 59:11 59:13,14,18 60:13 60:25 61:5,8,8,11 61:20 62:2,6,11,14 62:18,20 75:6,19 75:20,24 76:4,9,11 76:17,21 77:18	<b>remiss</b> 141:15	<b>resources</b> 46:25 47:5 66:5	<b>rights</b> 40:3
	<b>remove</b> 160:17	<b>respect</b> 165:24	<b>riot</b> 69:21 121:22 153:7,11,24 154:14 155:2,11 158:16
	<b>removed</b> 127:6	<b>respective</b> 3:7	<b>riotous</b> 153:21 154:11,16 156:17
	<b>removing</b> 90:19	<b>responders</b> 120:2 120:12	
	<b>repeat</b> 115:23 124:11	<b>response</b> 35:23 39:5 49:19 50:8 57:13 58:8	
	<b>replaced</b> 57:21	<b>responsibilities</b> 27:6	
	<b>report</b> 92:13,16	<b>restrict</b> 70:14 115:6 119:2	
	<b>reporter</b> 12:15 33:21 37:14,18,23		

[riots - session]

Page 22

<b>riots</b> 156:9,13 159:17 <b>rise</b> 32:5 <b>rnc</b> 111:17 112:9 124:18 126:13 140:14 169:3 <b>road</b> 90:16,17 <b>robberies</b> 42:23 <b>robbery</b> 46:24 47:2 <b>robbie</b> 25:9 26:6 26:14 <b>robinson</b> 2:11 14:13,15,23 15:6 15:10 23:19 27:16 27:23,24 61:12,17 75:22 80:11 109:22 113:2 115:17 125:25 130:16 132:18 134:25 143:14,21 145:16,25 147:7 150:13 152:11 165:7,9 166:5 168:4 <b>rodman's</b> 59:4,7,9 <b>role</b> 165:10,12 <b>room</b> 8:2 15:10,13 105:17 <b>rule</b> 1:20 4:2 116:8 <b>rules</b> 1:19 5:16 132:4 <b>run</b> 66:8,25 84:7,9 113:18 115:5 124:5 <b>running</b> 49:17,20 65:25 84:11	<b>safe</b> 43:6 95:21 113:21 115:3,3,13 119:24 120:10,11 120:12 <b>safely</b> 35:3 155:19 160:17 <b>safety</b> 95:6,11,14 95:16,17,19 96:4,6 113:22 114:16,18 114:21 116:5,9,16 117:15,16 119:12 119:19,23 120:10 120:14,23 155:21 161:20,20 <b>salary</b> 27:7,9 <b>sample</b> 162:13,13 <b>saturday</b> 48:9 136:19 <b>save</b> 122:15 <b>saving</b> 35:10 <b>saw</b> 128:4,11 130:2 132:12,23 132:24 134:9,20 135:3,6 136:6 139:3 142:14 164:14 <b>saying</b> 22:15 104:10 111:4 <b>says</b> 41:2,18 42:7 42:8,8,12,17 43:7 45:23 49:14,16,21 52:22 82:16 104:11 136:16 154:23 155:4 158:24 162:13 <b>scale</b> 88:2,6 89:24 90:5 <b>scenario</b> 67:14 160:12 <b>schedule</b> 31:4,8	<b>scheduled</b> 82:10 <b>school</b> 95:6,11,14 95:16,16,19 96:4,6 114:24 151:9 <b>schools</b> 95:20 <b>schwach</b> 25:9 26:6 26:15 80:22 82:22 <b>scooter</b> 95:3,5 97:9 <b>scope</b> 126:2 <b>scuba</b> 55:23 64:17 <b>sda</b> 1:8 <b>sealing</b> 3:8 <b>seattle</b> 124:3 147:5 <b>second</b> 14:9,10 16:12 20:17 28:3 28:25 34:24 44:3 44:11,16 48:9 53:16 54:10 56:18 81:13 95:11 106:10 149:22,24 150:2,14 158:23 <b>section</b> 33:20 34:8 77:6 136:18 168:15 <b>sections</b> 112:5 <b>sedgwick</b> 4:11 28:18 <b>see</b> 14:22,25 18:17 38:14 42:15 71:12 71:13 73:15 81:13 82:16 92:17 106:9 112:17 118:2 125:4 126:5 129:7 129:17,20,23 130:12,13 131:8 131:10,17,18,21 131:23 133:4,7,23 134:3,7,15,18,21 136:7,15,16 139:2 142:23 145:18	151:2 162:7 163:6 164:14 <b>seeing</b> 130:19,21 139:7 <b>seen</b> 91:13 125:8 136:5 138:23 142:12 150:24,25 152:23 161:4 <b>send</b> 39:6 145:25 <b>sense</b> 73:9 <b>sent</b> 137:4,8 142:16,17,17 <b>separate</b> 38:22 43:15 53:22,25 54:2 104:4 <b>september</b> 1:14 30:15 48:8 88:11 88:19 89:2,10 140:16 142:20,20 <b>sergeant</b> 23:23 24:18,21 25:10,13 27:4 31:21,25 41:13 75:9 <b>sergeants</b> 40:11 41:20 65:8,19 77:16 102:19,20 103:20 <b>series</b> 88:20 <b>service</b> 33:10 40:7 50:9 55:9,12 60:11 68:13 74:25 75:10 76:21,22 77:14 93:4,7,19 97:13,21 102:17 104:5 118:16 148:18 151:21 <b>services</b> 49:22 50:4 63:14,20 94:24,25 <b>session</b> 88:12 136:17
<b>s</b>			
<b>s</b> 2:2,14,14 4:2 25:9			

[set - sixty]

Page 23

<b>set</b> 31:7 32:25 34:23 65:24 66:24 67:3 112:21 116:11 120:9 132:15 137:2 170:7,14 <b>setting</b> 18:21 33:9 54:23 66:18 118:19,23 <b>seven</b> 47:16 49:15 52:14 80:13,13,14 <b>seventh</b> 44:17 <b>seventy</b> 96:16,19 <b>sgt</b> 4:17,23 25:9 32:13 105:16,18 113:3 <b>sharkey</b> 2:17 <b>shea</b> 29:8,17 <b>sheet</b> 171:6,7,10 171:13 <b>shield</b> 148:15,16 <b>shields</b> 147:18,25 <b>shooter</b> 57:18 123:3,7,18 <b>shooting</b> 59:4,6 123:2,21,22 <b>short</b> 146:15 <b>shot</b> 54:20 55:12 131:20,25 <b>show</b> 23:20 36:4 46:25 82:25 121:12,25 122:11 123:19 124:2,3,7,8 124:8,9,12 129:2 130:25 131:3,4 149:20 150:18 157:13 160:15 <b>showed</b> 128:24 129:2,8,16 130:22 <b>showing</b> 43:8 104:17	<b>shown</b> 131:4 153:21 167:12 <b>shows</b> 43:12 <b>sic</b> 19:18 44:3 <b>sick</b> 120:8 <b>side</b> 131:17 <b>sides</b> 163:23 <b>sidewalk</b> 40:3 67:6 67:25 68:10 70:21 71:7,16 72:9 78:10 87:6 90:2 90:15,22 91:2 98:8 100:18 101:5 101:6,20,22 102:12,14 108:17 110:11,15,22 111:11 112:25 114:20 115:9 116:4 123:25 124:24 128:17 132:3,16 134:16 149:10 155:6 162:18,22,24 <b>sidewalks</b> 78:6 124:3 <b>sight</b> 113:15 <b>sign</b> 171:7 <b>signature</b> 170:17 <b>signed</b> 3:15,16 <b>significant</b> 148:3 <b>signing</b> 171:9 <b>similar</b> 108:22 <b>similarly</b> 1:5 <b>simple</b> 134:12 165:14 <b>simply</b> 27:6 46:21 158:24 <b>sims</b> 84:18 <b>single</b> 77:3 82:11 157:20 159:7	<b>sir</b> 4:19 5:13 6:2,5 6:8,11,18 7:17,22 8:5,12,16,23 9:5 9:11,21 10:7,11,20 10:25 11:6,10 12:3,20,23 13:4 14:8,14 15:4,20 16:2,9,14,22 18:2 18:18 20:20 23:10 23:13 25:5,15,21 26:22,24 29:15 30:2,19,22 31:2,19 33:13 34:2,5,12,16 36:14,16 38:16,18 39:4,25 40:5,19,21 41:7,10 43:10,17 43:22 44:2,19 48:4 51:13,17,21 51:25 52:5,17 53:13 54:24 55:15 56:20,23,25 57:23 58:2,20,24 59:23 63:12 65:17 67:19 67:22 68:2,6,11,21 70:12 71:4 72:17 76:13,16 77:9,12 79:3 80:19 81:16 83:20,24 85:12 86:5,19 87:18,20 88:8 89:4,22 90:3 91:12,14 93:6 95:23 96:8,12,15 96:18 97:5,10 98:3,6,9,23 99:8 99:12 100:25 101:4,7,13,17,25 102:4,7,10,15,18 102:22,25 103:6,9 104:13,20 106:14 106:25 107:13,18 108:4,21,25	109:10,13,17,24 110:9,12 111:7,13 112:6,8,16 114:8 114:11,17 116:6 118:4,18 121:8 125:2,13,16,20 126:3 127:15,20 127:24 128:2,7 136:4,11,13 138:2 138:25 139:15 140:11,15 141:21 141:25 142:11,22 142:25 143:8 145:9 146:11 147:10 148:12,14 148:20,24 149:4 149:12 150:22 151:4,15 152:18 152:21,24 153:9 156:22,24 158:6 158:10,22 159:2 159:18 160:2,9 161:5,13 <b>sit</b> 66:17 160:8,11 160:13,14,22 161:11,16 169:12 <b>sitting</b> 14:13,22 160:16 162:18,21 <b>situated</b> 1:6 <b>situation</b> 46:18 47:6 68:15 84:11 120:19 154:24 155:5 156:3 157:8 160:18 <b>six</b> 38:3 48:17 52:13 53:2,4,5,11 53:14,24 75:11,12 76:2 168:20 <b>sixth</b> 44:17 <b>sixty</b> 96:13
--	---	---	---

[size - street]

Page 24

<b>size</b> 78:22	114:5 116:19	149:10	18:13 22:6 23:14
<b>skill</b> 62:24	122:21 161:11	<b>standing</b> 71:18	23:22 27:10,20
<b>slide</b> 154:13,22,23	<b>specifics</b> 82:11	157:17,18	28:2,6,10 30:11
155:4 157:9	<b>specified</b> 88:3	<b>stands</b> 39:4 50:3,9	32:11 33:14 37:2
<b>slides</b> 153:2 157:5	97:16 141:17	105:25	37:10 38:7,10
<b>slow</b> 154:25 155:3	<b>spell</b> 59:7	<b>start</b> 4:22 8:25	51:2 52:6,13
<b>smaller</b> 66:7	<b>spoke</b> 14:17 21:6	13:8 18:13 33:16	56:16 61:15 70:13
<b>solely</b> 45:18 72:13	21:12,18,21	44:9 62:25 82:4	75:18 76:10 79:22
<b>somebody</b> 50:12	<b>spontaneous</b>	133:8 159:11	80:8,12 85:20
50:13 62:13 164:7	120:25	163:3 164:17,18	86:16 87:8,15
<b>sorry</b> 17:15,19	<b>spring</b> 14:3 69:4	<b>started</b> 13:13	91:3 92:25 95:10
36:5 53:16 84:25	<b>springtime</b> 13:25	124:13 130:6	98:10,19 105:6,13
85:2 115:24	<b>square</b> 48:13	133:21	105:14 106:2,9
124:18 153:17	<b>srg</b> 57:12,21 58:3	<b>starting</b> 30:23	110:25 111:14,21
<b>sort</b> 33:3	58:8,13,14 59:12	52:13	113:5 115:20,25
<b>sound</b> 113:15	60:17 63:11	<b>starts</b> 44:6 157:25	133:10,17 134:2
<b>source</b> 121:25	<b>srg2</b> 56:14	<b>stat</b> 156:12	135:12,19 138:20
<b>south</b> 45:9,9,10	<b>ss</b> 167:3	<b>state</b> 1:22 4:4,7	142:2 143:17
46:11,11	<b>st</b> 48:15,18 115:18	167:2 170:5 171:4	145:20 146:13,18
<b>southern</b> 1:2	<b>stadium</b> 28:21	<b>stated</b> 65:7	146:25 149:7,13
<b>space</b> 29:3 119:9	29:8,17 42:5,9,11	<b>staten</b> 45:10	149:20 150:15
171:5	42:13	<b>states</b> 1:2	152:4 156:18
<b>speak</b> 14:12 21:4	<b>staff</b> 69:8	<b>stating</b> 87:24	160:3,19 161:2
21:19 115:7	<b>staged</b> 39:20	125:23	165:5 166:6 168:4
<b>speaking</b> 22:23	<b>staging</b> 39:7	<b>station</b> 42:4	<b>stipulated</b> 3:6,11
128:20	<b>stamped</b> 23:21	<b>stats</b> 44:21 45:20	3:14,18
<b>special</b> 27:4 29:10	49:16	93:22	<b>stipulations</b> 3:1
52:21,22 91:18,23	<b>stand</b> 43:25	<b>statute</b> 67:5 71:10	<b>stop</b> 118:24 163:4
92:5,9,10 99:3	<b>standard</b> 6:21	76:19 78:4 79:12	<b>stopped</b> 124:5
<b>specialized</b> 95:2,3	72:8 115:14 116:2	97:22 100:3,15	<b>stops</b> 130:24
<b>specific</b> 40:7,9	116:7,11,19 117:8	101:3,16 102:9	<b>strategic</b> 58:8
46:14 49:8 50:10	117:20 118:8,11	149:3	<b>stream</b> 122:16
58:19 62:12,17	118:15	<b>statutes</b> 17:5 70:8	<b>street</b> 1:12 2:5,10
78:9 81:23 117:10	<b>standards</b> 33:4	70:21 78:8,15	4:15 28:25 39:21
120:21 122:5	39:24 57:6 62:16	146:10 152:10	47:7,11,15,18 49:2
133:11,12 141:2	66:23 67:17,21,24	<b>stay</b> 25:13 60:22	71:16 88:25 89:9
144:12,13,14	68:5,8,9 69:18	<b>stayed</b> 26:2,20	90:15,23,25 91:21
161:10 162:16	87:6 89:17 90:2	<b>stecklow</b> 2:5,6 4:6	92:21 93:5,8 94:8
163:10	98:2,8 101:2,20	4:13,15,20 5:14	94:9,12 97:14
<b>specifically</b> 92:23	108:14,16 110:22	6:19 12:6,11	108:24 109:4,9,16
93:4 97:14 109:7	111:12 138:15	14:21 17:11,17	109:19,21 110:18

[street - tell]

Page 25

113:14,16 114:10 114:20,23 115:3 115:12 116:4,13 125:11,24 126:12 127:14 142:21 143:23 144:5 165:17,25 <b>street's</b> 47:9 <b>streets</b> 112:2 114:13 116:12 118:2 124:4 <b>stressed</b> 71:23 <b>stressing</b> 71:11 <b>strips</b> 29:9 <b>studied</b> 156:9 <b>study</b> 29:4 156:6 <b>stuff</b> 76:25 85:17 124:20 <b>sub</b> 81:24 144:20 <b>subject</b> 12:2 53:5 147:15 167:11 171:9 <b>subscribed</b> 167:20 172:22 <b>subsequent</b> 59:21 69:15 <b>subsequently</b> 26:2 <b>subset</b> 161:10 <b>substantive</b> 86:13 <b>sufficient</b> 131:12 <b>suggested</b> 82:21 <b>suggestion</b> 82:24 <b>summarized</b> 94:10 94:17 <b>summarizes</b> 92:16 93:2 <b>summarizing</b> 92:13 103:2 <b>summary</b> 99:4 104:21,25 125:22	<b>summertime</b> 13:24 <b>sunday</b> 39:6 116:15 <b>superior</b> 79:8 <b>superiors</b> 80:2 <b>supervisor</b> 25:6,8 164:19,20 <b>supervisors</b> 137:16 <b>supplied</b> 144:5 <b>support</b> 34:24 165:15 <b>supposed</b> 119:4 162:19 <b>sure</b> 13:13 23:6 64:20 73:2,6 77:2 115:25 132:20 134:14 140:25 163:2,5 <b>surround</b> 161:18 163:19 <b>surrounding</b> 132:16 <b>swetman</b> 1:5 <b>sworn</b> 3:17 4:3,21 11:11 167:20 170:7 172:22 <b>system</b> 84:18	155:18 <b>tactical</b> 57:8 144:25 145:2 165:14 <b>tactics</b> 18:21,21 65:22,22 82:15 110:5,14,20 <b>take</b> 7:18 12:6 13:22 15:18 21:8 28:6 34:17 37:2,7 45:14 58:25 60:3 60:9 64:11 66:21 71:14 82:20 90:14 105:8 114:23 133:9 138:21 146:14 149:22 <b>taken</b> 1:18 7:3 12:10 28:9 37:9 64:14 79:18 105:12 146:17 <b>talk</b> 27:21 47:17 144:10 151:10 157:6 158:3 <b>talked</b> 37:5 <b>talking</b> 17:25 47:12 63:9,15,16 63:17,18 76:5 114:19 153:10 158:12,19 <b>talks</b> 43:18 59:18 68:19 112:18 117:23 136:9 159:3 <b>tank</b> 55:23 60:23 64:24 <b>tanks</b> 64:18,18,21 <b>taped</b> 122:9 <b>task</b> 24:14 28:17 29:16,23 30:9,17 30:20,25 32:3 41:25 44:18,22	45:2,3,8,13,19,21 45:22 46:6,7,12,13 49:22,25 50:6,7,7 54:15,20,22 55:7 55:13 56:4,13 57:13,21,24 58:6 60:17 63:10,17,19 64:5,12 75:9 81:2 84:8 94:18,21 97:9 137:14 138:5 147:14 148:5 <b>taught</b> 32:23 33:9 34:3,6,7,14,25 35:7,15 66:11 71:23 116:10,24 117:2,19 127:2 155:14 <b>teach</b> 33:6 35:3,5 67:7 107:14,16 121:16 122:11 123:5 124:10 139:19,21 155:14 155:15,17,18 <b>teaches</b> 157:10 161:8 <b>teaching</b> 125:5 <b>team</b> 88:18 159:3 159:5,6,10,14,21 <b>tech</b> 59:17 <b>technical</b> 34:22 <b>technician</b> 55:21 60:5,6,9,25 64:6 <b>technicians</b> 56:5 59:21 63:24 <b>techs</b> 60:19 <b>tell</b> 5:25 6:4 8:4,20 8:21 22:20 49:17 66:19 73:5 74:7 74:11 115:8 140:17 161:23 162:24 163:7,16
	<b>t</b>		
	<b>t</b> 2:14 49:17 172:1 <b>table</b> 84:5 132:3,6 132:15 134:7 <b>tables</b> 128:21,23 132:23,24 133:2,3 133:4 134:10,13 134:15 <b>tabletop</b> 84:6,11 84:17 99:17,23 <b>tactic</b> 110:6,11 126:25 155:15,17		



[tell - training]

Page 26

164:14,17 <b>telling</b> 73:15 74:3 155:8 <b>ten</b> 21:8,22 106:5 121:23 145:11 169:2 <b>term</b> 9:23 10:5 35:17,19 39:4 116:20,23 117:3 119:13 147:5 <b>terminology</b> 117:11,13 <b>terms</b> 44:7 <b>test</b> 35:23 66:10 <b>testified</b> 4:5 127:16 131:6 153:5 <b>testify</b> 6:17 7:8,12 7:15,20 9:19 11:8 12:22 13:2,5 <b>testifying</b> 11:17 <b>testimony</b> 22:10 22:13 31:17 167:9 170:6,9 <b>text</b> 49:15 <b>thank</b> 112:3 <b>theoretically</b> 26:17 <b>theories</b> 137:15 <b>thick</b> 16:6 <b>thing</b> 5:10 21:11 34:25 35:4,6 71:10 84:4 93:21 114:25 124:10 143:2 144:20 151:18 162:25 <b>things</b> 35:15 38:22 75:16 76:24 147:19 161:22 <b>think</b> 29:20 69:14 80:13 95:15	104:10 105:6 109:5 128:4 136:15 140:12 141:8 145:21 <b>third</b> 29:2 35:6 44:3,14,17 54:13 60:8 81:13 159:3 159:20 170:15 <b>thirty</b> 171:13 <b>thousand</b> 119:8 <b>threat</b> 119:20 <b>three</b> 13:23 26:18 35:9,14 39:11,15 43:15 44:13 45:15 47:24 60:2 78:17 85:8 96:16,21 99:6 111:22,24,25 112:17 123:6,21 <b>tighter</b> 127:9 <b>time</b> 1:21 3:13 4:13 11:2 12:9,13 13:15 14:7,9,10 15:14,25 16:8,21 21:18 22:2 24:19 25:8,14 26:3,14 28:8,11,16 29:5,7 33:18 35:10 36:20 36:22 37:8,11,16 37:21 38:2,8,25 42:20 44:4 45:16 46:11,16,20 47:10 47:25 52:8 54:15 54:25 55:8 62:10 68:24 69:3,12 70:18,23 75:3,21 77:3 81:8 82:17 82:23 83:17 84:8 85:22 86:14 87:10 88:11,17,21 91:5 91:24 93:23 97:11 98:14 105:6,11,13	106:4 111:16 112:14,20 113:10 114:7 116:17 117:17 124:14 131:3,24 135:14 135:21 139:5 142:4,14,17 143:7 144:8 145:12 146:13,16,20 149:15 150:3,8,25 153:23 157:13 158:2 160:21 163:10 164:17,18 165:3 166:4,6 <b>timeframe</b> 47:22 61:13 76:6 79:15 105:3 <b>times</b> 5:2 14:4,12 28:23 39:11,15 76:25 82:19,21 94:4 104:3,3,15 122:9 128:8 <b>title</b> 27:3,7,8 80:23 80:23 <b>today</b> 5:9 6:17 7:8 7:12,16,21,24 8:9 9:6 12:22 26:23 36:3 56:19 123:2 124:7 <b>today's</b> 15:3,7 18:5 20:18,22 23:2 51:12 127:17 <b>told</b> 13:13 21:24 31:6 50:14 74:2 74:19 75:13 85:18 120:5 130:5 163:12 <b>tomorrow</b> 123:3 <b>top</b> 44:18 49:16 111:24,25	<b>topic</b> 12:24 13:6 <b>topics</b> 78:20 81:3 <b>total</b> 10:24 15:23 49:17 103:7 128:5 145:13 <b>totals</b> 49:20 <b>trade</b> 64:24 <b>traffic</b> 115:4,11,11 116:15 120:5 <b>train</b> 39:13 54:4 57:18 108:7 118:15 140:13 147:24,24,24 153:16,23 164:6 <b>trained</b> 31:9 64:6 85:15 94:19 96:6 96:9 97:13,16 103:3,25 110:13 118:7,10 127:13 141:2 148:18 159:24 <b>training</b> 16:4,18 18:9,12,14,15 19:7 19:15,17,17,21 20:8 27:14,18,19 27:21,22,25 28:14 28:16,19,20,23 29:12,16,21 30:5 31:6,7,16,18,20,23 31:24 32:18 33:3 33:20 34:17,18,20 35:7,15,18,24 38:23,24 39:2,14 39:17,17,23,24 40:2,6,16,17,18,20 40:24,25 41:4,9,14 41:17,21 43:9,15 44:4 49:25 50:15 50:16,18,22,22,24 53:23 54:2,2,10 55:18,19 56:3,4,7
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[training - united]

Page 27

56:10,21 57:4,4,5 57:9 58:22,23,25 59:3,20,22,24,25 62:5,7,9,22,24 63:20 64:10,25 65:7,9,21 66:6,12 66:13 67:11,13,18 68:4,7,13,19,23 69:5,8,8,9,11,13 69:17,20,25 70:11 70:19,25 71:3,6 73:19,22 74:17,20 74:24 75:2,4,6,12 75:19,20,24 76:2,5 76:9,12,18,21,22 77:4,6,11,13,23,25 79:2,17,19 80:3,9 81:14,21,22,25 82:2,12,20,24 83:2 83:4,4,6,7,19,22 84:15 85:5,7,10,11 85:15,18,19 89:15 89:16,19,23 90:4 90:13,21 91:20 92:14,17,19,22 93:2,14,20 94:3,7 94:10,16 95:24,25 97:18,20,23,25 98:4,7 99:4,5,18 99:19,20,21,22,24 100:2,5,12,15,17 100:24 101:9,15 101:19,23,24,25 102:3,16 104:2,8 104:19 105:2 107:20 108:2,7,20 108:22 109:3,8,12 109:14,16,19,24 110:2,2,17,19,21 110:24 111:3,5,6 111:10 112:11,15	113:6,23 114:2,5 114:10 115:22 117:4,9 118:13,17 118:20,22,22 119:17 121:7,24 122:7,17,23,24 123:4,16,17,18,25 126:6,10,15 129:12 134:24 135:7,9,15 137:8,9 137:12,13,17,18 137:19,21 138:16 138:19 139:10,12 139:14,22 140:6 140:22,23,25 141:9,10,12,13,14 141:16,16 144:4 144:11 146:5,9 147:6,20 148:4,6,7 148:9,13,22,23 149:2,3,5,6,9 151:8,9,14,17,18 151:22 152:2,7,12 152:15,17,19 153:4,6,13,14 154:3 159:23 160:7,10,14 161:14 162:17 163:18 164:11 168:9,14 169:4 <b>trainings</b> 30:17,24 32:7 38:20 41:23 45:18 53:9 54:7,7 54:7,8 56:19 61:6 62:20 64:7 66:22 69:24 72:18 78:11 78:16 79:8 85:16 93:19 94:12 99:10 99:13,14 103:8 104:22,25	<b>transcript</b> 8:7,10 8:15 167:11 170:8 171:14,15 <b>transferred</b> 24:11 24:13,17,19,24 25:2,19,24 <b>transition</b> 26:19 <b>trial</b> 3:13 <b>trigger</b> 120:16 <b>truck</b> 120:6 <b>true</b> 11:21 167:10 170:8 <b>trust</b> 10:4 <b>truth</b> 8:4 <b>truthfully</b> 6:17 7:8 7:12,15,20 <b>try</b> 35:5 70:13 145:3 <b>trying</b> 10:5 121:16 123:5 133:12 155:24 <b>turning</b> 105:10 <b>twice</b> 14:6 22:24 59:15 76:23 151:22 <b>two</b> 12:7 13:22 15:22 17:4,21,24 20:10,12,14 38:22 43:11,12 47:11 51:8,10,18 68:11 71:14 83:2,15,22 84:2 85:7 99:6,9 105:10 112:5 128:17 145:14 153:25 154:5,10 154:15 155:25 156:5 158:11,15 162:13 163:6,21 163:22,23 164:3 <b>type</b> 8:19 32:25 34:17 42:25 54:3	54:8 56:21,23 66:16 81:14 90:22 114:9 115:16 121:9 137:9,18,19 138:7 148:13 152:2 160:8,11,13 161:12,16 162:17 <b>types</b> 41:23 53:9 99:10 144:17 <b>u</b> <b>u</b> 105:21,23 <b>u.s.</b> 88:16 <b>unaware</b> 46:18 <b>unclear</b> 6:6 <b>unconstitutionally</b> 125:23 <b>underlying</b> 125:3 <b>underneath</b> 49:21 <b>understand</b> 5:24 8:6,11,13 12:5 107:5,6 120:6 124:9,12 151:5 154:4 155:25 164:13,15 <b>understanding</b> 17:20 88:4 128:10 <b>understood</b> 13:14 56:16 <b>undertake</b> 22:25 <b>undertaken</b> 148:4 <b>uniform</b> 157:18 <b>union</b> 48:13 <b>unit</b> 25:3,7,14 50:8 52:20 54:3 60:11 69:3,10 87:25 99:2 106:24 107:21 137:24 161:8 165:11,13 166:2,4 <b>united</b> 1:2 88:11 88:15
--	--	---	---

[units - visible]

Page 28

<p><b>units</b> 36:8 44:4 64:19 66:7 92:19 94:18 95:2,3 141:14 144:4,4,7 <b>unlawful</b> 132:2 <b>unusual</b> 19:8,17 19:21 99:21 101:23 <b>upcoming</b> 88:22 <b>update</b> 122:3 146:8 148:25 149:8 <b>updated</b> 121:20 126:9,15 148:23 <b>updates</b> 126:16 146:4 149:5 <b>use</b> 9:23 10:9 28:22 29:2 45:15 46:15 60:23 64:19 91:2 107:11 117:10 121:6,9,10 123:24 124:20 126:5 141:17 147:18 148:15,16 157:14 <b>uses</b> 153:3 <b>usually</b> 21:19,19 28:20 35:9 39:7 39:20 46:24 54:4 56:12 83:8 88:11 121:10 <b>utilize</b> 28:23 107:19,24 110:5 124:15,17 125:5 <b>utilized</b> 30:20 106:23 109:11 110:7 112:10 126:18 141:19 147:4,6 <b>utilizing</b> 122:19</p>	<p><b>v</b></p> <p><b>v</b> 4:2 <b>vacate</b> 163:11 <b>various</b> 27:13 92:19 99:10 103:3 103:8 122:6 153:20 <b>vega</b> 1:18 4:1,9,18 4:24 5:1 6:1 7:1 8:1 9:1 10:1 11:1 12:1,11,19 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1,13 33:1,15,25 34:1 35:1 36:1 37:1 38:1,13 39:1 40:1,23 41:1,5 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1,14 50:1 51:1,3 52:1,7,16 53:1 54:1 55:1 56:1 57:1 58:1 59:1,16 60:1 61:1 62:1 63:1,21 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1,19 73:1 74:1 75:1 76:1 77:1 78:1 79:1 80:1,17 81:1 82:1 83:1 84:1 85:1,9 85:10,16,18 86:1,4 87:1,9 88:1 89:1 90:1 91:1,4,10 92:1 93:1 94:1,11 95:1 96:1 97:1</p>	<p>98:1,11,22 99:1 100:1 101:1 102:1 103:1 104:1 105:1 105:16,18 106:1,3 106:13 107:1 108:1 109:1 110:1 111:1,14 112:1 113:1,3 114:1 115:1,18 116:1 117:1 118:1 119:1 120:1 121:1 122:1 123:1 124:1 125:1 126:1 127:1 128:1 129:1 130:1 131:1 132:1 133:1 134:1 135:1,13,19 136:1 136:3 137:1 138:1 139:1 140:1 141:1 142:1,3,10 143:1 144:1 145:1 146:1 146:18 147:1,8 148:1 149:1,13,21 150:1,19,21 151:1 152:1,16,22 153:1 154:1 155:1 156:1 156:19 157:1 158:1 159:1 160:1 160:20 161:1 162:1 163:1 164:1 165:1 166:1 167:7 167:16 168:1,4,4 168:11 169:1 172:20 <b>vega's</b> 12:16 33:21 37:14,19,24 38:4 52:10 85:24 87:12 91:7 98:16 106:6 111:18 135:16,23 142:6 146:22 149:17 150:5,11 160:24</p>	<p><b>vehicle</b> 35:8,8 39:5 39:7 49:20 113:21 115:2 144:22,24 <b>vehicles</b> 35:9 115:5 120:4,24 144:25 <b>verbally</b> 5:21 72:13,14 <b>versus</b> 153:11,24 154:14 155:11 <b>vet</b> 72:25 <b>video</b> 10:3 20:4,7 20:8 22:20 121:6 121:9,15,17 122:25 123:8,24 124:3,6 125:3 126:4,6 127:18,25 128:3,11,16,19,25 129:11 130:12,19 131:2,4,11,15,20 131:22,23,25 132:10,23 133:5,7 133:21,24 134:4,8 134:9,16,19,20,22 135:11 147:3 168:9 <b>videos</b> 16:7 19:23 20:3,6,10,11,12,14 20:17 121:11 122:6,8 123:4 124:15 125:7,8 126:8 <b>view</b> 71:13 72:7 <b>violation</b> 71:11 72:7 73:14 <b>violence</b> 153:7 <b>violent</b> 35:6 154:9 156:11 158:16 159:16 <b>visible</b> 132:10</p>
---	--	---	---



[volume - zones]

Page 29

<b>volume</b> 148:9	<b>way</b> 6:7 11:17,20 45:20 66:21 90:19 113:12 126:19 128:12 133:14 161:25,25 170:12	11:17,24 17:15,19 32:15 51:9 70:17 87:18 95:12 105:19 112:3 133:16 143:15 165:6 167:7 168:3 170:6,9,14 171:1	<b>year</b> 19:16 30:21 59:15 62:17 63:5 63:5,6,7 76:23 77:22 99:6 151:22
<b>w</b>			<b>year's</b> 48:13,15 <b>years</b> 5:7 57:5 119:16 156:7
<b>w</b> 25:9	<b>we've</b> 23:7 49:13 72:18 73:4 94:8 122:8,9	<b>word</b> 10:9 18:24 126:24	<b>york</b> 1:2,2,9,13,13 1:17,22 2:6,6,10 2:11,11 4:4,12,17 9:7,10,15,19 10:13 10:18,22,24 11:4,8 11:12,16 32:12 45:5 48:3 52:4 58:11 60:16 62:16 70:9 88:25 89:5 89:10 124:24 170:5
<b>wait</b> 5:19 17:13	<b>weapon</b> 55:25 56:2 58:19 76:12	<b>wording</b> 52:24	<b>youtube</b> 121:11,22 121:24 122:4,14 123:8,11
<b>waived</b> 3:10	<b>wedge</b> 34:21 69:20 110:3 118:23	<b>words</b> 8:9 10:15 147:23	<b>z</b>
<b>walk</b> 71:20 114:25 115:12 130:6 161:24,24 164:2,9	<b>wedges</b> 34:24	<b>work</b> 44:14 49:11 58:11 114:24 120:24 127:10 159:6,14	<b>zone</b> 117:15 119:19,23 137:3,5
<b>walked</b> 71:19	<b>week</b> 21:13,17 26:19 39:11,15 48:8	<b>working</b> 50:13 108:8 119:17 145:12	<b>zones</b> 39:9 117:14 119:12 120:10,14 120:23 137:2,6,7
<b>walking</b> 71:18	<b>weekly</b> 21:20	<b>works</b> 145:14	
<b>wall</b> 47:7,9,10,15 47:18 49:2 88:25 89:9 91:20 92:21 93:4,8 94:8,9,12 97:14 108:23 109:4,8,16,18,21 110:18 114:10 116:13 142:21 143:23 144:5 165:17,25	<b>weeks</b> 13:20	<b>world</b> 88:20 121:14	
<b>want</b> 32:14 35:3 46:4 113:13 115:2 119:7,23 122:3,11 127:10 154:24 155:7,14,17,19 156:3 161:23 163:4	<b>welcome</b> 84:21	<b>worst</b> 93:21	
<b>wanted</b> 44:22 49:3 53:7,12,18 54:13 64:19 65:12 66:4 69:7 82:3,4,10,22 82:25 83:11 115:7 123:7,13 147:16	<b>went</b> 18:9 23:5 50:19 62:6,7 63:4 63:8 79:14 81:8 91:16 94:15 108:13,16,19 116:2 117:6 118:12 140:6 141:3	<b>write</b> 122:23	
<b>warnings</b> 162:13 162:13,14 163:10 165:2	<b>whatsoever</b> 6:18 102:6 115:6 156:16	<b>writing</b> 23:15 71:25 72:11 79:23	
<b>watch</b> 40:15 128:6 163:23	<b>wheaton</b> 91:25,25 92:3,4	<b>written</b> 127:22 147:2 156:7	
<b>watched</b> 127:25	<b>whereof</b> 170:14	<b>wrong</b> 56:15	
<b>watching</b> 131:12	<b>wide</b> 29:6	<b>wrote</b> 143:13	
	<b>wish</b> 172:5	<b>wylie</b> 2:5,6,7 4:15 38:9 105:14	
	<b>wishes</b> 164:2	<b>wylielaw.com</b> 2:7	
	<b>withdrawn</b> 30:11 76:10 86:16 92:25 149:7	<b>x</b>	
	<b>witness</b> 3:19 4:3 4:19 5:9,18 6:23	<b>x</b> 1:3,12 168:2	
		<b>y</b>	
		<b>yankees</b> 88:18	
		<b>yeah</b> 65:3 123:13 150:15 164:25	

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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